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The American Historical Association supplies the REVIEW to all its members; the Executive Council of the Association elects members of the Board of Editors.

Correspondence in regard to contributions to the REVIEW may be sent to the Managing Editor, J. Franklin Jameson, Carnegie Institution, 1140 Woodward Building, Washington, D. C., or to the Board of Editors. Books for review may be sent to the Managing Editor. Subscriptions should be sent to The Macmillan Company, 41 North Queen St., Lancaster, Pa., or 66 Fifth Ave., New York. The price of subscription, to persons who are not members of the American Historical Association, is four dollars a year; single numbers are sold for one dollar; bound volumes may be obtained for four dollars and a half. Back numbers or volumes of the REVIEW may be obtained at the same rate.

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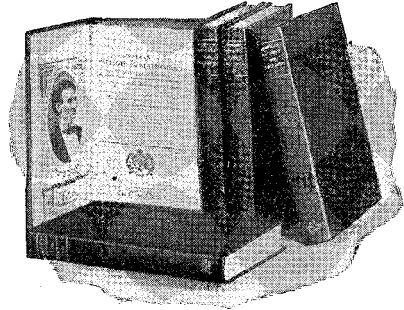
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THE MEETING OF THE AMERICAN HISTORICAL  
ASSOCIATION AT CINCINNATI

THE thirty-second annual meeting of the American Historical Association was held at Cincinnati on Wednesday, Thursday, Friday, and Saturday, December 27-30, 1916. Besides the advantages and pleasures arising from Cincinnati's geographical position, its climate, its picturesque situation, and its pleasant spirit of hospitality, the convention had those which always arise from holding nearly all its sessions under one roof—in this case the comprehensive roof of the Hotel Sinton. The morning and afternoon sessions of one day were, however, held with great pleasure at the University of Cincinnati, where an agreeable luncheon was followed by entertaining speeches. For the highly successful arrangements which marked the sessions at every point, cordial thanks are due to the Local Committee of Arrangements, and especially to its secretary, Professor Isaac J. Cox. Mr. Charles P. Taft, chairman of that committee, and Mrs. Taft entertained the Association at a reception and tea, made memorable not only by their kindness but by the extraordinary beauty of their collection of paintings.

Noteworthy among other social diversions was the "smoker" provided for the men of the Association on one of the evenings, at the Hotel Gibson. In the rooms of the Auto Club, on the same evening, the women members had a subscription dinner. A reception following the exercises of one of the other evenings gave opportunity for general conversation and acquaintance, and indeed the meeting seems to have been particularly successful on the side of sociability. The rooms of the Historical and Philosophical Society of Ohio, Van Warmer Library, were thrown open to members on the day of the visit to the University. The chief clubs of the city offered the privileges of their houses.

One feature of the social aspect of the convention deserves a



special mention, for it is susceptible of much further extension and if so extended may bring many useful results. This was the plan of devoting one evening, purposely left free of public exercises, to various dinners of members interested in some special branch of historical study, at which informal conversations and discussions of its affairs may take place. Out of such dinners and discussions many valuable projects and suggestions may come, many steps in advance, for the promotion of this or that line of study in America—of modern German or medieval economic history, of the Protestant Reformation or the Industrial Revolution, of American diplomacy or American agriculture or American religion—or at the least much quickening of interest in advanced researches (which perhaps the Association now does too little to foster), much interchange of opinion, much increase of helpful friendships. All that is necessary, in each such specialty, is to designate an energetic and judicious member to gather the appropriate company together at such dining place as the local committee may recommend. The undertaking is not more difficult than the organization of the breakfasts, of late somewhat frequent at the Association's meetings, of those who have been graduate students at the same university—pleasant reunions, but not likely to be so fruitful for our sacred science or profession as dinners of the sort described, dinners of *Fachgenossen*.

A small beginning of such a practice was made at the time of the Washington meeting. At Cincinnati it was but slightly extended, but there was a successful and profitable dinner of those concerned with European history, and another of those interested in the founding of a journal of Latin-American history. The project was canvassed with considerable enthusiasm, and a committee, of which Dr. James A. Robertson is chairman, was appointed to consider the matter further and, if the plan ultimately seems feasible, to devise machinery for bringing it into effect. Another conference, unaccompanied by a dinner, and perhaps for that reason less affirmative in its results—such is Fallen Man!—had been called to consider the foundation of an American journal of European history, mainly in order to furnish larger opportunities for the publication of technical articles than can be afforded by a general historical journal or other existing means. The nature of the plan, and its possibilities for the advancement of scientific research, were set forth by Professor George B. Adams, and a committee was appointed, with Professor Dana C. Munro as chairman, to give it further consideration. It is to be expected, as a sign of healthy progress of historical study in the United States, that, besides many good journals of local his-

tory, an increasing number of specialized historical journals should arise—indeed, several have already come into existence—and toward any such, having the standards that may fairly be expected, the *American Historical Review* can have no attitude but that of welcome, and of helpfulness if it can be of help.

Still another informal conference, outside of those more formal meetings whose programmes had been arranged by the Association, was that of members interested in the foundation in Washington of a centre of university studies in history, political economy, and political science, which may do for those studies what the American Schools of Classical Studies in Athens and Rome have done for those branches of learning, may furnish guidance to students in the three sciences named who come to Washington to avail themselves of its surpassing opportunities for such studies, and may provide them with the incentive of fruitful companionship in a common place of residence. Respecting this project, which in the existing circumstances of the District of Columbia has rich possibilities, the committee appointed last spring submitted a printed report which appeared to meet with emphatic favor, and received the cordial endorsement of the Executive Council.

Three allied organizations, the American Political Science Association, the Mississippi Valley Historical Association, and the Ohio Valley Historical Association, met in Cincinnati in the same December days, and joint sessions were held in some cases, with common profit. The number of members of the American Historical Association who registered at headquarters was 325. Most of those attending came, as was to be expected, from places comparatively near at hand, yet the range of geographical distribution was wide; an exceptional number of members were present from the Pacific Coast.

The programme of the Association's sessions, prepared by a committee of which Professor Henry E. Bourne, of Western Reserve University, was chairman, deserved particular commendation for its breadth of range, and for the especial attention it assigned to recent periods and vital themes. History cannot expect to be much regarded by the present-day world if it has nothing to say of present or recent affairs; and a society which has given such signal evidences of harmony and right feeling, has surely no need to fear the divisive effects of discussion, in fields in which historians are expected to have opinions, facts, and reasons, but in which they may also be expected—or our training is naught—to preserve good temper and the habit of seeing both sides. Sessions, therefore, devoted to

Recent Phases of the European Balance of Power, to the Great Peace Congresses of the Nineteenth Century, to the American period in the Philippines, and to the modern as well as the medieval portion of the History of Constantinople, and of China and Japan, did much to invest the whole meeting with exceptional interest and value. There was also a session for ancient history, one for general history (a nondescript miscellany of papers), one for English history, and two for American history, one of which was held as a joint session with the Mississippi Valley Historical Association.

Taken as a whole the programme was impressive. It may even be called formidable. Seventeen formal sessions in three and a half days is too much. It may well be doubted whether it is ever desirable to have more than two sessions going on at the same time. On this present occasion, besides the sessions already mentioned, for the reading of written papers on substantive portions of history, and the evening session in which the presidential addresses (of this society and of the American Political Science Association) were delivered, and the business session, there were conferences of archivists, of state and local historical societies, and of patriotic hereditary societies, a conference for discussion of the field and method of the elementary course in college history, and a conference of teachers of history in secondary schools. For a registration of 325, this is a very extensive programme; but it was agreed on all sides that it was well composed, and in most particulars the participants, chosen mostly from among the younger members of the Association, carried it out with intelligence and excellent success.

By an arrangement not to be recommended for imitation in subsequent years, the presidential addresses were not delivered until the tenth of these seventeen sessions. Indeed, as the annual business meeting had been the ninth, and as on that occasion the terms of officers had been defined as ending, each year, with the conclusion of that session, the odd situation was presented of the president of the American Historical Association reading his presidential address after he had technically gone out of office. After an address of welcome by Mr. Taft, who presided as chairman of the joint meeting, Professor Jesse Macy, of Grinnell College, president of the American Political Science Association, delivered an address on the Scientific Spirit in Politics.<sup>1</sup> The admirable address of Professor George L. Burr, of Cornell University, president of the American Historical Association, on the Freedom of History, we had the pleasure of printing in the last number of this journal.

<sup>1</sup> Printed in the *American Political Science Review* for February, 1917.



In some of the conferences, it must be confessed, members scheduled to participate took their obligations so lightly as neither to appear nor to take suitable measures to secure the presentation of their papers in their absence. In the conference of archivists, presided over by Dr. Solon J. Buck, only two of the four papers mentioned in the programme were read. The one, entitled *Some Considerations on the Housing of Archives*, was by Mr. Louis A. Simon, of Washington, superintendent of the drafting division in the office of the supervising architect of the Treasury, who as such has prepared the plans for the proposed National Archive Building in Washington; the other, on the *Problem of Archive Centralization with reference to Local Conditions in a Middle Western State*, was by Dr. Theodore C. Pease, of the University of Illinois. Mr. Simon's suggestions related chiefly to the problems of a large, or national, archive building. All the varieties of plan now most in favor indicate a marked differentiation of the space devoted to administrative functions from the space assigned to actual storage of the records. The various forms by means of which this may be achieved, and through which the spaces devoted to administrative officials, to physical manipulation and cataloguing, and to purposes of study may be related to each other, were described in outline. On the principle, however, that much the greater part of the space must be storage-space, the main consideration was given to the forms and varieties of stacks.

Dr. Pease emphasized the thought that the problems of centralization of local archives must receive an independent solution in each state, in accordance with varying institutions and conditions, and professed to speak only, by way of example, of what was true in the single state of Illinois. His paper drew a distinction between centralization applied to records useless for public business, in order to preserve them for the use of the historian or the student of society, and centralization designed in the interests of economy, to bring together in central repositories, at the state capital or in several centres, records not of current use but having importance as legal monuments. Centralization in the latter sense will be the problem of the future. For centralization of the former variety, now sometimes a pressing problem, Dr. Pease advocated clear and uniform criteria for deciding on the separation, tact in reconciling local susceptibilities to it, and caution in removing papers from the neighborhood of other papers to which they stand related, and entered somewhat into consideration of classes appropriate for transfer. There was some general discussion of the destruction of useless papers,

and of the defects of local, especially township, record-keeping. Dr. Gaillard Hunt, upon request, described the methods used by his division of the Library of Congress in the repair of manuscripts.

In the conference of historical societies, the main topic of discussion was that of the federating and affiliating of local historical societies. The chairman, Professor Harlow Lindley, of the Indiana Historical Commission, adverted to the timely importance of the theme in a period when a considerable number of states are celebrating or are about to celebrate the centennial anniversaries of their entrance into the Union. Such commemorations, especially those organized by county committees, bring local historical societies into existence or into increased activity. The impulse ought not to be allowed to expire with the fireworks, and state historical societies or commissions should be able so to co-ordinate and supervise the activities of these societies that they may make definite and valuable contributions to the intellectual life of the state, with good results in enlightened citizenship. The modes in which such work is encouraged and correlated in various states were outlined by a succession of speakers, Mr. Thomas L. Montgomery, state librarian of Pennsylvania, describing the operations of the Pennsylvania Federation of Historical Societies, Mr. A. F. Hunter of Toronto that of the Ontario Historical Society, Dr. George N. Fuller that of the Michigan Historical Commission, of which he is secretary, Mrs. Jessie Palmer Weber that of the Illinois State Historical Society, Mr. Nathaniel T. Kidder that of the Bay State Historical League. Much information respecting such endeavors may be derived from the Michigan Historical Commission's bulletin entitled *Suggestions for Local Historical Societies and Writers in Michigan*, which Mr. Fuller described, along with the relations between his commission and the state society, the county societies, the newspapers, the schools, and the women's clubs, and the procedure followed in bringing local societies into existence. In all the local work, special emphasis is laid on the collection and preservation of original materials.

The most important event in relation to this conference was the vote of the Association, pursuant to a recommendation of the Executive Council, conferring upon the conference a semi-autonomous status and organization, with a definite membership, with funds of its own, obtained by small assessments upon member societies and commissions, with a programme made by its appointees (their chairman to be *ex officio* a member of the Association's programme committee), and with definite obligations of annual report to the parent

body. The secretary of the conference is to be appointed, as now, by the Executive Council of the Association, its other officers to be elected by the conference itself. At the instance of the conference, and largely by the generosity of the Newberry Library, provision has been made for the continuance by supplement, from 1905 to 1915, of Mr. A. P. C. Griffin's *Bibliography of American Historical Societies*, printed as volume II. of the Association's *Annual Report* for 1905.

The conference of the hereditary patriotic societies was preceded by a luncheon of the representatives present, some fifty in number. The chairman of the meeting, Mr. Harry B. Mackoy, formerly presiding officer of two such societies in Ohio, set forth its purpose, which was to consider practical and desirable plans of closer co-operation between the historical associations of the country and the numerous hereditary patriotic societies. The latter are in part historical societies, with a membership of between two hundred and three hundred thousand, and constitute a great force for the development of historical interests in America. No one could listen to the reports of historical work made on the present occasion, especially from the women's societies, without being deeply impressed with the merit of their activities, the fine spirit of patriotism animating them, and the possibilities and prospects of their achievement in historical lines. Reports were made on behalf of the National Society of the Colonial Dames of America, by Miss Cornelia B. Williams, their national historian; for the Daughters of the American Revolution, by Mrs. Thomas Kite, formerly vice-president-general of that society; for the Society of the Sons of the Revolution, by Mr. Jackson W. Sparrow, ex-president of the Ohio society; for the National Society of the Sons of the American Revolution, by Mr. R. C. Ballard Thruston, ex-president-general; for the Society of Colonial Wars, by Mr. Elmer L. Foote, of the Ohio Society. The last report was illustrated by stereopticon views of historical sites marked, monuments erected, and the like. A report from the National Society of the United States Daughters of 1812, prepared by its president-national, Mrs. Robert H. Wiles, was also presented. The discussion which followed centred mainly about the report made to the Council of the American Historical Association by Dr. Gaillard Hunt as chairman of its Historical Manuscripts Commission, in which attention was called to the assistance that might be rendered by hereditary patriotic societies and their members in the collecting, preserving, and rendering accessible many private manuscripts of historical value. A plan for such co-operation was outlined.



Of the educational conferences, that which concerned the field and method of the elementary college course in history, presided over by Professor Arley B. Show, of Stanford University, was much the more profitable. Previous discussions of the subject at the annual meetings of 1896, 1905, and 1906 were summarized by the chairman, who held that the time was ripe for some further standardization of first-year work in college history. Three requisites of the ideal course were, he maintained, that it should contain the best teaching materials, that it should lie within the student's comprehension, and that it should prepare his mind for his later work in history. The method to be pursued, he thought, should be that which each teacher can do best, but it should be graded in such a manner as to fit into the higher work in history, and it should include some work in a historical laboratory and carefully supervised study.

Four papers dealing with the field of the elementary college course were read: by Professor William A. Frayer, of the University of Michigan, Professor James F. Baldwin, of Vassar College, Mr. Jesse E. Wrench, of the University of Missouri, and Mr. Milton R. Gutsch, of the University of Texas. The general opinion favored the maintenance of but one general introductory course for all students alike. Even students who have covered the given field in the work of the secondary school were said to benefit by traversing the same field in the introductory college course. There was substantial agreement among the speakers in holding that the field of the introductory course should be taken from European history, though there were differences as to what phase of European history should be treated. The fields proposed were, in the order of choice: medieval and modern history, general history, medieval history, modern history, and English history.

In the discussion of the method to be pursued in this introductory course, many interesting experiences were presented. The speakers were Messrs. Curtis H. Walker, of the University of Chicago, Clarence P. Gould, of the College of Wooster, Wilmer C. Harris, of Ohio State University, Carlton J. H. Hayes, of Columbia University, Donald L. McMurry, of Vanderbilt University, and James G. McDonald, of Indiana University. The general sentiment seemed to favor abolishing the formal lecture system, dividing the class into small groups of twenty-five or thirty students, and placing each under the care of one competent teacher for the entire course. This method has been adopted at the University of Chicago, at Columbia University, and at some other institutions, but it is

very expensive, and it is always hard to obtain competent men who will take the section work. Many institutions reported a combination of the lecture and the quiz system, by which one or two lectures a week are given to the entire class, and small sections for conference or recitation are held once or twice a week. Particular emphasis was placed upon an adequate system of note-books, and on the need of an intelligent study of historical geography. The use of sources was incidentally discussed, but was not strongly advocated for extensive use in the introductory course.

The conference of teachers of history in secondary schools (Dr. James Sullivan, of the New York State Education Department, chairman) had a much more miscellaneous programme. Professor Carl E. Pray, of the State Normal School at Ypsilanti, Michigan, advocated a more intensive study of historical personalities in the high schools, and illustrated his thesis by details from the lives of prominent Americans. Mr. Glen L. Swiggett, of the United States Bureau of Education, made an extended plea for adequate preparation in the secondary schools for consular service and similar government positions. Dr. Frank P. Goodwin described the efforts made by the University of Cincinnati, in its elementary course in general history, to lay emphasis upon economic and industrial facts without failing to expound cultural values. Professor Albert E. McKinley, of the University of Pennsylvania, showed some ways in which the teaching of history in the schools of France, Germany, and England had been influenced by the current war. Professor Samuel B. Harding, of Indiana University, pointed out the difficulties which the writer of historical text-books has in maintaining an attitude of neutrality. He called attention to letters which had been received by his publishers protesting against a proposed chapter of *Neueste Geschichte* added to one of his books in the process of preparing a new edition. The writers of these letters, from sentiments of nationality (not American nationality), threatened the boycott in their state not only of all the speaker's books, but of all other educational publications issued by his publishers.

Theoretically, the distinction between the sessions which have thus far been described and those which remain to be dealt with, lies in the fact that the latter were sessions for the reading of formal papers, while the former were freer conferences, intended to be marked by a greater amount of informal discussion. But large as is the part played in professorial life by extempore discourse, not to say, in these days, by lively dispute, there seems to be a perpetual difficulty in composing our free conferences of anything but pre-

pared papers. But at all events there is a distinction in that the papers now to be spoken of related to the substance of history rather than to its methods or organization. They covered a wide range, from ancient Mesopotamia to the Southern Confederacy. To the reader of these pages the order and method of their grouping at Cincinnati is a matter of indifference, and they may better be described in something approaching a chronological order. If any receive an insufficient description, the defect may sometimes be ascribed to neglect of the secretary's customary request for the delivery of summaries beforehand and of manuscripts afterward, for no managing editor can manage to attend three sessions at the same hour.

In any such order of arrangement, the first place may naturally be given to an essay by Professor Alfred T. Olmstead, of the University of Missouri, on Mesopotamian Politics and Scholarship, though it touched the latest as well as the earliest dates. The present war having brought a cessation to scientific field-work in western Asia, there is a good occasion for retrospect. Ancient history in the Near East has during these eighty years of its modern development been largely studied and aided by those who have been making modern history in that same region, and its progress, as the speaker showed in detail, has been conditioned by the course of politics. Scholarship has been nationalistic in character, and its phases have followed those of political control. The French and German archaeological investigators, backed by their respective governments, have had large success in appropriating the Mesopotamian field; the German policy of removing important finds to Berlin has been pushed to an unjustifiable extreme.

In the absence of its writer, a paper by Miss Ellen C. Semple of Louisville on Climatic and Geographic Influences upon Ancient Mediterranean Agriculture was presented only in outline, and its discussion by Professor William L. Westermann, of the University of Wisconsin, was limited to a general criticism of the methods of reasoning employed by historical geographers working in ancient history, though upon sound data, of the insufficiency of their training in those rigorous methods of criticism of sources which have been developed in ancient history, and of their failure to consider adequately the obvious variants from their general principles of the operation of constant geographic factors.

Professor Herbert Wing, of Dickinson College, in a paper on Tribute Assessments in the Athenian Empire, rejected all notions that the frequent revolts in that empire were due to the tribute or



to any constant economic cause; they resulted rather from the ineradicable Hellenic idea of independence of cities. His main conclusions from the *stelai* of payments of tribute were: that the number of cities in the empire did not approach the thousand mentioned by Aristophanes, but probably lay between three hundred and four hundred at the utmost; that the assessments were made for an indefinite period and readjusted only on special occasions, most often in Panathenaic years for convenience, if at all, and at irregular intervals; and that estimates of the total amount, fixed in the beginning by Aristides at 460 talents, can be satisfactorily made only by careful study of individual years.

The transition from papers in ancient history to papers in medieval history was marked by a contribution from Professor Paul van den Ven, formerly of the University of Brussels, now of Princeton, entitled "When did the Byzantine Empire and Civilization come into Being?" His main object was to controvert such opinions as that of Bury, that all lines of demarcation which have been drawn between the Roman empire and the Byzantine empire are arbitrary, and that, great as were the changes undergone by the empire since antiquity, it never ceased to be the Roman empire, and, changing gradually and continuously, offers no point at which one can properly give it a new name. Professor van den Ven criticized such views of unity and continuity as justified only in political doctrine but contrary to historical facts. From the time of Arcadius and Honorius, East and West began to be in fact distinct; Italy and Rome were no longer the centre around which the empire revolved; "Byzantine art", "Byzantine civilization", "Graeco-Roman law", are accepted terms, corresponding to admitted facts; a Christian, bureaucratic government, centring at Constantinople, a society increasingly Greek and Oriental in character, justify a new term.

The first of the papers lying distinctly in the field of medieval history was that of Professor K. Asakawa, of Yale University, on the Life of a Monastic *Shō* in Medieval Japan. He set forth at the outset the points wherein the Japanese *shō* of the twelfth century resembled the manor of medieval Europe and wherein it differed, and suggested that, after the entrance of the warrior into the *shō*, the latter came gradually to assume the aspects of the regular fief. He then took up the history of the triple *shō* of Kōno-Makuni-Sarukawa under the Buddhist monastery of Mt. Koya as typifying certain phases of this conversion. This *shō*, originating as it did in commendations of lands, at first included varied and changeable tenures.

It also comprised two classes of men, "landholders", some of whom were armed, and "cultivators" below them. During the feudal years, especially between 1333 and 1600, the multiple tenures tended to be simplified into grants held in fief of the monastic seignior; at the same time, some "cultivators" seem to have risen in status, and formed the bulk of the new rural population, on the same level with the old "landholders", who no longer appeared as half-warriors. The warriors had been largely differentiated and become professional. By 1600 the triple *shō* had, in its institutional structure, been as nearly altered into a fief as a religious *shō* could be. Professor Dana C. Munro, of Princeton, after the close of the paper, remarked upon the light that students of medieval feudalism in Europe might derive from the comparative study of Japanese feudalism, upon the meagreness of the Western literature upon the subject, and upon the resemblance of the *shō* to the fief rather than the manor.

Upon the question, "Was there a Common Council before Parliament?" Professor Albert B. White, of the University of Minnesota, argued against the view, exhibited in many reputable books, that the English assembly which came to be called Parliament was at some earlier time called the "common council", a view sometimes giving rise to notions of primitive democratic or national traits. A search of the English sources from the Conquest to about 1250 has brought to light some 175 cases of the phrase *commune consilium* (never *concilium*). In more than half of these the meaning is either "public opinion" or the general understanding, consent, or advice of groups more or less vague, often very small. In over sixty cases the "common counsel" came clearly from an assembly of considerable size, summoned for a definite purpose, but still the phrase means rather the result, action, or spirit of the group than the group itself. In five rather vague cases, from the reign of Henry III., the personification seems to lie in the direction of the council, but of the small council rather than the larger, summoned assembly.

An interesting paper by Professor Chalfant Robinson, of Princeton, entitled *History and Pathology*, presented a plea for a deeper study, on the part of historians, of the pathological aspects of human minds and characters in influential station, but was substantially a discussion of the individual case of Louis XI., based on the materials collected by Dr. A. Brachet, in his privately printed monograph entitled *Pathologie Mentale des Rois de France*.

Bridging the transition from medieval to modern history, the

paper presented by Professor Albert H. Lybyer, of the University of Illinois, on Constantinople as Capital of the Ottoman Empire, began with the time when the Turks under Mohammed II., acquiring a city that was not much more than an incomparable site covered with ruins, proceeded to rebuild it in their own way, with modest private residences but with substantial and sometimes magnificent public edifices. Their efforts to repopulate were also described, and the spontaneous processes by which, in a century and a half, a cosmopolitan city of seven or eight hundred thousand people was formed; likewise the avenues of commerce and the conditions of trade within the walls. In political life, the strong central position of the city contributed to the durability of the Ottoman government, established in the cluster of buildings at Seraglio Point. In religion, Constantinople continued to be the metropolis of the Orthodox Church and became the seat of the Caliphate, the chief centre of the Moslem faith, and the home of its principal university. The causes of its progressive decline, and of its partial modernization in the nineteenth century, were traced, and the possibilities of its future development touched upon.

The beginnings of a military power of quite the opposite curve of development were narrated by Professor Sidney B. Fay, of Smith College, in a paper on the Beginnings of the Standing Army in Prussia, which we hope to have the pleasure of presenting to our readers in a later number. The origins of the permanent active field army maintained by the Great Elector did not lie in the Thirty Years' War, but in the Northern War of 1655-1660, during which he was compelled to create an army on a basis largely independent of his provincial estates. The paper traced his subsequent expansion and development of this novel force.

A paper entitled "The Stuart Period: Unsolved Problems", by Professor Wallace Notestein, of the University of Minnesota, was limited by its author to the earlier half of the seventeenth century, and to parliamentary history. Despite the high merits and great extent of Gardiner's researches, the speaker urged the need of more intensive study of the history of Parliament in this period, showing that a considerable body of new materials has come to light; that old materials, such as the *Commons Journals* and the widely-copied manuscripts of speeches in the Commons, are less authoritative than Gardiner assumed; that the history of the Stuart Parliaments must be studied in the light, still imperfect, of earlier parliamentary development; and that there is a range of problems respecting Parliament which Gardiner left almost untouched—such

matters, for instance, as the electoral campaigns for the Parliaments of James and Charles, the deeper questions of the character of their membership, and the rise of the organized opposition to the king.

Professor Notestein's paper was discussed by Professor Roland G. Usher, of Washington University, St. Louis, who declared that the legal and institutional problems left unsolved by Gardiner were quite as numerous and significant as the parliamentary. Especially needed are studies of the growth and development of the administrative councils, the prerogative courts, and particularly of the courts of common law, instead of whose actual history in the sixteenth and seventeenth centuries we have been content to study the views about its history which the judges of that time wrote down for us. A first-hand investigation must be made of the voluminous and scattered original records of all these bodies and of the materials bearing on their mutual relations. A critical edition of the first volume of the *Commons Journals* is also much needed. For researches so laborious, co-operative effort is required, and investigators in the earlier Stuart period, 1603-1640, are asked to communicate with Professor Usher, or with Professor A. P. Newton of the University of London, who desire to organize historical work in this period.

In a slightly later period, a paper by Professor Guernsey Jones, of the University of Nebraska, entitled "Beginnings of the Oldest European Alliance", treated of Anglo-Portuguese relations from 1640 to 1661. The treaty of 1654, Portugal's penalty for assisting the Stuarts and defying the regicides, was the source of Portugal's "commercial vassalage", commonly but erroneously attributed to the Methuen Treaty of 1703. It secured every concession which the English merchants trading in Portugal saw fit to ask for, and was long regarded by them as the Magna Carta of their privileges and immunities. Charles II.'s Marriage Treaty of 1661, which determined the whole course of his foreign policy in a direction different from that of his original inclinations, was due at bottom to the desire of the English court to placate the commercial classes of London, by retaining Jamaica against the opposition of Spain, and by opening the way to the trade in India.

Another of the papers in English history, that of Professor Arthur L. Cross, of Michigan, on English Criminal Law and Benefit of Clergy during the Eighteenth and Early Nineteenth Centuries, is printed in the present issue of this journal, as is also that which was read by Professor Jesse S. Reeves, of the same university, on Two Conceptions of the Freedom of the Seas.

In the same session as the latter, the session relating to conflicts concerning the European balance of power, Professor William E. Lingelbach, of the University of Pennsylvania, read an effective paper on England and Neutral Trade in the Napoleonic and Present Wars.<sup>2</sup> With many interesting details derived from contemporaneous documents, he set forth the comparison between the English policy toward neutral trade in the Napoleonic Wars and the efforts then made, through that policy, to preserve maritime ascendancy, and the policy and methods pursued toward the same ends in the present war. The seizures of neutral vessels in 1793, the parliamentary acts of 1795, and the crushing blows inflicted by and in consequence of the *Essex* decision and the Orders in Council of 1807, were exhibited as measures intended not only to protect Great Britain against the consequences of aggression and fraud but to secure to her by the most extreme assertion of belligerent rights a complete commercial supremacy, not through the destruction of American and other neutral commerce, but through processes which compelled it to serve her own purposes. The system of licenses, and its abuse, were carefully described. After a century during which the world had been comparatively free from maritime warfare and during which its opinion tended strongly toward favor of neutral rights as against the claims of belligerents, a tendency in which England as well as the United States had participated, the situation of the neutral, so far as the doctrines of international law was concerned, was much better in 1914 than at the beginning of the century, but the exigencies of Great Britain's situation led her to develop a system of control of ocean commerce far beyond any which the framers of the old Orders in Council had devised. The Order in Council of August 20, 1914, followed by that of March 11, 1915, constituted, in the language of the American government, "a practical assertion of unlimited belligerent rights over neutral commerce within the whole European area and an almost unqualified denial of the sovereign rights of the nations now at peace".

In a session specially devoted to the Great Peace Congresses of the Nineteenth Century, three cognate papers of high value were read, on the Congresses of Vienna, Paris, and Berlin, by Professor Charles D. Hazen, of Columbia University, Mr. William R. Thayer, of Cambridge, and Professor Robert H. Lord, of Harvard, respectively. It is expected that they will shortly appear together in a small volume.<sup>3</sup> It was intended that the papers should treat of the

<sup>2</sup> To be printed in the *Military Historian and Economist*.

<sup>3</sup> Boston, Houghton Mifflin Company.



organization and methods of procedure of these congresses, and not of their problems or results. Thus, Mr. Hazen described the manner in which the Congress of Vienna approached its problems, the character of its organization, if organization it can be called when no plenary session was ever held, its method of procedure—merely that of ordinary diplomatic negotiations, save for the mutual proximity of the negotiators—and the machinery of its Committee of Five. Similarly, Mr. Thayer described the convening, personnel, circumstances, mechanism, and operations of the Congress of Paris, Mr. Lord those of the Congress of Berlin, with a much larger degree of attention to its political events and results.

Professor Charles Seymour, of Yale University, in a careful and comprehensive paper on the *Ententes* and the Isolation of Germany,<sup>3a</sup> essayed to determine whether the conflict of alliances marked by the crises of 1905, 1908, and 1911 was due to endeavors of the Triple Entente to encircle and isolate Germany, or indicated merely a defensive struggle on their part, to maintain the balance of power. He first described the German interpretation of events, the theory of the *Einkreisungspolitik*, in accordance with which England was the centre of a plot to isolate Germany and block her expansion. The Anglo-French *entente* of 1904, the Anglo-Russian convention of 1907, the Anglo-French and Anglo-Belgian military conversations, the Russian attitude toward Austria and Turkey, the course of these powers in respect to Albania, the check to Germany at the time of the Agadir episode, the Serbian intrigues against Austria, Russia's military preparations in 1913, all had received explanation in the light of this theory. The speaker held, however, that nothing in the agreements of 1904 and 1907 indicated an intention of isolating Germany, that the military conversations alluded to, and the British support of France in general, carried in them no evidence of any but a defensive policy, and that the lack of co-ordination in the diplomatic activities of the *entente* powers during 1912, 1913, and 1914, and the nature of British treaties made with Germany in the same period, were inconsistent with the German theory. Professor Bernadotte E. Schmitt, of Western Reserve University, in remarks after the paper, agreed with these views, partly on the basis of diplomatic documents, partly because of the obvious desire of the Asquith government to avoid trouble abroad, in the interest of a domestic programme of social reform.

Other papers dealing, most interestingly, with the most recent periods of history, other than American, were those of Professor Archibald C. Coolidge, of Harvard University, on Claims upon Con-

<sup>3a</sup> Printed in the *Yale Review* for April.

stantinople, National, Geographical, and Historic, of Mr. Edward T. Williams, of the Department of State, on Chinese Social Institutions as a Foundation for Republican Government, and of Dr. James A. Robertson on the Philippine Islands since the Inauguration of the Philippine Assembly. The last-named of these is to be printed in the next issue of this journal.

Mr. Williams's paper related mainly to present social institutions and to the present era of reform in China, which may be said to have begun in 1898, but he first described three earlier occasions on which large social reforms were undertaken: in 221 B. C. when the emperor Shi Hwang-ti attempted to abolish the feudal system, at the beginning of the Christian era when the emperor Wang Mang tried to abolish slavery and private property in land, and in A. D. 1069 when the councillor Wang-shih entered on a similar programme of drastic social legislation. In China of the present day most land is held in small parcels and cultivated by its owners; the family, not the individual, is the political unit. Such a system favors democracy, and experience in clan councils has been a valuable training for political association. Villages are practically autonomous. The guilds, which are as powerful as those of Europe in the Middle Ages, often constituting the real municipal government of the towns in which they are placed, are democratic in organization. Confucianism, in the opinion of the foremost native scholars, is not imperialistic in tendency, and Buddhism is distinctly democratic. The dense ignorance of the masses is the main obstacle to the success of republican institutions. The paper, however, which was replete with interesting historical examples, exhibited the remarkable progress made in the last four years of the Manchu régime, in the establishment of representative government in city, province, and nation, as strong evidence of capacity for self-government, based on social institutions already existing and on long experience in their operation.

Professor Kenneth S. Latourette, of Denison University, adverted to the hampering effects of particularism, the want of a truly national patriotism, but hoped that the civil service and the administrative machinery perfected during long years of monarchy might, as they had done in France, carry over into a republican period, and promote and fortify centralization. Dr. Stanley K. Hornbeck, of the University of Wisconsin, admitting the capacity of the Chinese and the value of their lower institutions as a basis for national self-government, commended the caution of the more conservative states-

men of recent years in view of the want of immediate readiness and the immensity of the task of transformation.

It remains to speak of the papers in American history, two of them relating to the Revolutionary period, two to the earlier portion of the nineteenth century, and five to the period converging on secession and the Civil War. There was also a paper by Mr. Augustus H. Shearer, of the Newberry Library, on American Historical Periodicals, in which their history and characteristics were compendiously treated under appropriate classifications.

The paper of Professor Arthur M. Schlesinger, of the Ohio State University, entitled "The Uprising against the East India Company",<sup>4</sup> was an attempt to trace the actual execution of the boycott agreements of 1770 against dutied tea adopted in the leading provinces of British America. From contemporary comments and official commercial statistics of the British government, it is apparent that these agreements were totally ignored in all places save New York and Philadelphia, which were the centres of tea-smuggling in America. But this complaisant attitude toward dutied tea underwent an abrupt and radical change when a new act of Parliament, in May, 1773, provided that the East India Company might export tea directly to America, *i. e.*, without passing it through the hands of the various middlemen as before. Eliminating most of the middlemen's profits, this new act enabled colonial consumers to buy the company's tea cheaper than either dutied tea privately imported, or smuggled tea. Hence colonial tea-merchants, whether dealing in the customed or in the contraband article, joined forces in fomenting popular opposition to the company; and this was enlarged by the fear of other merchants that the company might next proceed to extend its monopoly to other articles. Fear of mercantile monopoly, rather than of taxation without representation, was the mainspring of American opposition.

The other paper in the American Revolutionary period was a careful study, by Professor James A. James, of Northwestern University, of Spanish Influence in the West during the American Revolution, dealing especially with the period before formal participation of Spain in the war against Great Britain. The main matters described were the successful endeavors of the Virginia government to obtain powder and other supplies from New Orleans, the activities of Oliver Pollock as agent of that government, the additional activity displayed in assisting the colonies after the accession of Governor Galvez, and the mutual dealings of Pollock and George

<sup>4</sup> To be printed in the *Political Science Quarterly*.

Rogers Clark. The first paper relating to the ensuing period was one in which Mr. Charles L. Chandler, of Chattanooga, narrated the services which an American merchant, captain and privateer, Charles Whiting Wooster, grandson of General David Wooster, rendered as captain and rear-admiral in the Chilean navy, 1817-1819 and 1822-1847.

Dr. Reginald C. McGrane, of the University of Cincinnati, in a paper on the Pennsylvania Bribery Case of 1836, gave an account of scandals which accompanied the effort of Nicholas Biddle and his associates to secure the passage of a bill granting a state charter to the Second United States Bank. Beginning their efforts soon after it became clear that a renewal of the national charter by Congress was not to be expected, the advocates of the bank set out to achieve their desired result in the state legislature, by three methods: by the constant work of skilled lobbyists upon the appropriate committees in the two houses; by offering members of the legislature liberal grants for their respective counties in the form of projects of internal improvements to be carried out through applications of the bonus receivable from the bank; and by threatening the legislature that the act of incorporation should be secured from the legislatures of other states, in which case the advantages of the bank's capital would go elsewhere. The bill passed the House by means of Whig and Anti-Masonic votes under the able leadership of Thaddeus Stevens, and then the Senate. The most significant feature of the struggle was the dramatic disclosure, by one of the senators, of efforts to secure his vote by bribery. Investigating committees of the two houses exonerated the bank men of direct attempts at bribery, and it is plain that they had preferred to offer grants in the form of schemes of internal improvement, rather than to use direct means. It seems not wholly certain whether the senator involved in the scandal was their dupe or their tool. Yet it is known that \$400,000 was withdrawn from the bank under suspicious circumstances, at the time of the recharter, and that Biddle was willing to use this in case of dire necessity.

Lastly, five of the papers related to the period of or leading to the Civil War: those of Miss Laura A. White, professor in the University of Wyoming, on Robert Barnwell Rhett and South Carolina, 1826-1852, of Professor Robert P. Brooks, of the University of Georgia, on Howell Cobb and the Crisis of 1850, of Professor Ernest A. Smith, of Salt Lake City, on the Influence of the Religious Press of Cincinnati on the Northern Border States, of Professor James R. Robertson, of Berea College, on Sectionalism

in Kentucky from 1855 to 1865, and of Professor Charles W. Ramsdell, of the University of Texas, on the Confederate Government and the Railroads.

Miss White traced the radical and independent course of R. B. Rhett, and his influence on the politics of South Carolina, from his entrance into the state legislature in 1826 and his action soon after in forcing Calhoun to bring forward his programme of nullification. In Congress after 1837 he was prominent as a leader of the Calhoun faction. When Calhoun, defeated in the effort to obtain control of the Democratic nominating convention of 1844, decided to throw his full support to Polk, Rhett, intent on state action against the tariff, took the risk involved in opposing Calhoun and inaugurated the "Bluffton Movement". Although Calhoun succeeded at the time in checking the movement for state interposition, the younger generation had been initiated into a more advanced stage of South Carolina radicalism. After the Wilmot Proviso, Rhett for five years devoted himself to a struggle for separate secession of the state, against those who would move only in co-operation with other states. His failure at the time, and the course by which in the end his influence prevailed, were clearly depicted.

Professor Brooks's paper sought to establish the fact that Howell Cobb, known afterward chiefly as an ardent advocate of secession and of extreme Southern views, had before that time been a Democrat of strong nationalist tendencies. In support of this view, he cited his speeches on the Texas question, the Mexican War, and the Oregon question, and especially his conduct in respect to the Compromise of 1850, when he was Speaker of the national House of Representatives. He was one of the foremost advocates of that compromise, regarding it as the best obtainable adjustment of a dispute that looked ominous for the Union. Breaking with lifelong political associates, for most of its opponents in Georgia and in the South generally were Democrats, he brought the people of that pivotal state to acquiesce in it, definitely committing Georgia to the Compromise by the successful canvass he made for the governorship in 1851 on the Union ticket. The remaining part of the paper treated of the disruption of the Union party brought about by disagreement between the Whig and the Democratic elements over the preliminaries of the election of 1852. Cobb was left stranded with only a small following of Union Democrats. His course on the issues of 1850 had so completely alienated him from the Democratic majority that he never regained his former popularity.

In Professor Robertson's paper, the close relation between the



course of political parties in Kentucky during the decade 1855-1865 and the features of the state's physical geography was established, and was displayed on a series of maps specially prepared from returns of elections, both state and national. Yet the period was one of transition, and there was much shifting of sectional political sentiment, concerned with the issues of state rights, union, secession, slavery, sound currency, internal improvements, and many minor interests.

Professor Ramsdell's paper, on the Confederate Government and the Railroads, was a study in war administration. The first outstanding fact, the heaviest handicap of the South in waging war, was its lack of industrial development, which resulted not only in want of necessary supplies, but also in the lack of sufficient men with training in industrial administration to organize and administer its resources. In 1861 the Southern railroads were local short lines, light in both track and rolling stock, unconnected, without co-ordination, and generally inadequate to the work suddenly imposed upon them. They could not themselves combine or co-ordinate, and confusion and congestion of traffic resulted; they were unable to obtain supplies, and rapid deterioration set in. The government was unable to aid them, partly because of constitutional scruples, partly through a failure to comprehend the nature of the problem. It granted loans to build certain connections and it sought relief from congestion by supervision of its own freights, but it never found a remedy for the breakdown of the roads themselves. The consequence was the paralysis of the whole system of transportation and distribution, the starvation and disintegration of the Confederate armies, and the collapse of the government.

The annual business meeting, presided over by Professor Burr as president, differed from preceding business meetings in two important respects, the one a matter of procedure, the other a matter of substantial achievement, namely, the revision of the society's constitution. Votes respecting procedure passed a year before<sup>5</sup> had provided that hereafter the annual reports of committees should not be read in the business meeting unless their reading should be called for by ten members present, or directed by the Council. On the present occasion only two such reports were designated by the Council to be read, and only these two were orally presented. The wholesale omission of the reports, with these two exceptions, was justified in this present year by the need to save time for due consideration of constitutional amendments and by-laws; but it may well be

<sup>5</sup> *American Historical Review*, XXI. 465.

doubted whether at ordinary meetings the omission, which under the rule will usually take place, will be advantageous to the Association. In ordinary years the doings of these committees are the most important activities of the Association, yet, under the practice now inaugurated, it will not be long before most of the members will know little about them. The present healthy spirit of interest in all affairs of the society will be in danger of declining for want of known objects on which to expend itself, and the committees may miss much helpful co-operation which might come to them from interested members as a result of oral presentation of their problems, plans, and achievements.

The secretary's report stated the total membership as 2739, a net loss of 217, due chiefly to the present more rigid practice as to listing members delinquent in respect to payment of dues. The treasurer reported net receipts of \$9919 during the year, net disbursements of \$9353, and assets of \$28,021, a gain of \$959. The secretary of the Council reported the re-election of Professor Carl Becker as a member of the Board of Editors of this journal, for the regular term of six years. He also reported the list of assignments to committees and the budget drawn up by the Council. The former is, as usual, printed as an appendix to this article.

The other chief actions of the Council, mentioned in its report, were its recommendation that the next annual meeting should take place in December, 1917, at Philadelphia (adopted by the Association)—the meeting of 1918 is thought likely to be held in Minneapolis, and that of 1919 in New Haven; its proposal for the issue of a quarterly bulletin (adopted); and its organization of itself into four standing committees—on finance, on the docket, on meetings and relations, and on appointments—for the better distribution, consideration, and despatch of business. According to the plan proposed for the bulletin, the first of its quarterly issues will contain full records of the annual meeting and of the recent council meetings, and like matter; the second, the long-needed list of members; the third, probably, personal news, and notes of the Association's various activities; the fourth, the preliminary programme of the annual meeting. Going to all members four times a year, usually in February, May, September, and November, this bulletin of the Association will inform them of its affairs far more promptly than it is possible to do through the *Annual Reports*, now sadly in arrears. The first number for the present year will probably be issued to the members in April.

The report annually rendered by the Pacific Coast Branch was

presented by its president, and representative on the present occasion, Professor Edward Krehbiel, of Stanford University. For the Committee on the Justin Winsor Prize, its chairman, Professor Carl R. Fish, reported a recommendation that that prize be awarded to Mr. Richard J. Purcell, of St. Paul, Minnesota, for a monograph entitled "Connecticut in Transition, 1775-1818". In the absence of the chairman of the Board of Editors of the *American Historical Review*, the report of that board was read by Professor Becker. The only part of it which it may be useful to mention here is its declaration that, limited as is the number of articles which the *Review* can publish in a year, the offering of contributions by young and unknown writers is distinctly welcomed by the Board.

The amendments to the constitution of the Association which had been presented by the Committee of Nine at the business meeting a year before, and which in accordance with the constitution had been referred to the present meeting for action, were unanimously adopted, as also the by-laws then recommended by the same committee. The Committee of Five appointed to devise a plan for the taking over of this journal by the Association brought in a report recommending—and the recommendations were at once unanimously adopted—that the Board of Editors should execute an assignment to the Association of all its right and title in its contract with the Macmillan Company as publishers, together with a bill of sale of tangible property and good-will, and that the affairs of the *Review* should for the present, and until other action of the Association, remain in the hands of the Board of Editors under the same system as hitherto, except that they should make a detailed report of their accounts annually to the Council and to the Association. The Special Committee on Finance, appointed at the last annual meeting, recommended a more complete application of the budget principle, the keeping of separate accounts for the publication fund and for the life-membership receipts, and a number of other improvements in the details of fiscal procedure.<sup>6</sup>

The report of the Committee on Nominations was presented by its chairman, Professor Frank M. Anderson, of Dartmouth College. The committee had received primary ballots from 291 members. In accordance with its recommendations, Mr. Worthington C. Ford was elected president of the Association for the ensuing year, Mr. William R. Thayer first vice-president, Professor Edward Channing

<sup>6</sup> The proposed amendments to the constitution and the proposed by-laws were printed in this *Review*, XXI. 464-465; for the recommendations offered and votes passed at Cincinnati, see the *Bulletin*. The transfer of the *Review* is at present being effected.

second vice-president; Mr. Waldo G. Leland, Dr. Clarence W. Bowen, Mr. A. Howard Clark, and Professor Evarts B. Greene were re-elected to their respective offices of secretary, treasurer, curator, and secretary of the Council; and the following six members were elected members of the Council: Professors Eugene C. Barker, Guy S. Ford, Samuel B. Harding, Ulrich B. Phillips, Lucy M. Salmon, and George M. Wrong. The amended constitution now requiring the choice of eight elective councillors, Professor Henry E. Bourne and Mr. Charles Moore were also elected. Messrs. Charles H. Ambler, Frank M. Anderson, Christopher B. Coleman, Henry B. Learned, and Andrew C. McLaughlin, all nominated from the floor, were chosen as Committee on Nominations for the ensuing year; this committee has since chosen Professor Anderson as its chairman.

Of other matters in the history of the Association, much the most important is the endeavor, set in motion at the final meeting of the Council, to increase the endowment of the Association from its present figure of about \$28,000 to that of \$50,000. The movement is due to the initiative of the treasurer, Dr. Bowen, to whom, during his long service of nearly thirty-three years in that office, the organization is already so much indebted. An auspicious beginning has already been made, and members will before long have a general opportunity to help forward the effort.

All evidences, indeed, show convincingly that the American Historical Association is now in the most prosperous condition, with resources and activities increasing, and interest widespread.

J. F. J.

#### OFFICERS AND COMMITTEES OF THE AMERICAN HISTORICAL ASSOCIATION

*President*, Worthington C. Ford, Boston.

*First Vice-President*, William R. Thayer, Cambridge.

*Second Vice-President*, Edward Channing, Cambridge.

*Secretary*, Waldo G. Leland, 1140 Woodward Building, Washington.

*Treasurer*, Clarence W. Bowen of New York (address 1140 Woodward Building, Washington).

*Secretary of the Council*, Evarts B. Greene, Urbana, Ill.

*Curator*, A. Howard Clark, Smithsonian Institution.

*Executive Council* (in addition to the above-named officers) :

Andrew D. White, <sup>1</sup>	William A. Dunning, <sup>1</sup>
Henry Adams, <sup>1</sup>	Andrew C. McLaughlin, <sup>1</sup>
James Schoutler, <sup>1</sup>	H. Morse Stephens, <sup>1</sup>
James Ford Rhodes, <sup>1</sup>	George L. Burr, <sup>1</sup>
John B. McMaster, <sup>1</sup>	Eugene C. Barker,
Simeon E. Baldwin, <sup>1</sup>	Henry E. Bourne,
J. Franklin Jameson, <sup>1</sup>	Guy S. Ford,
George B. Adams, <sup>1</sup>	Samuel B. Harding,
Albert Bushnell Hart, <sup>1</sup>	Charles Moore,
Frederick J. Turner, <sup>1</sup>	Ulrich B. Phillips,
William M. Sloane, <sup>1</sup>	Lucy M. Salmon,
Theodore Roosevelt, <sup>1</sup>	George M. Wrong.

*Committees:*

*Committee on Programme for the Thirty-third Annual Meeting:*

John B. McMaster, chairman; Herman V. Ames, vice-chairman; James H. Breasted, Walter L. Fleming, Howard L. Gray, Carlton J. H. Hayes, Albert E. McKinley, Dana C. Munro, Augustus H. Shearer (*ex officio*).

*Committee on Local Arrangements:* George W. Pepper, chairman; William E. Lingelbach, vice-chairman; Arthur C. Howland, Raymond W. Kelsey, J. J. Van Nostrand, jr., with power to add to their membership.

*Committee on Nominations:* Frank M. Anderson, Dartmouth College, chairman; Charles H. Ambler, Christopher B. Coleman, H. Barrett Learned, Andrew C. McLaughlin.

*Editors of the American Historical Review:* Edward P. Cheyney, chairman; Carl Becker, Ephraim Emerton, J. Franklin Jameson, James H. Robinson, Claude H. Van Tyne.

*Historical Manuscripts Commission:* Gaillard Hunt, Library of Congress, chairman; Dice R. Anderson, Mrs. Amos G. Draper, Charles H. Lincoln, Milo M. Quaife, Justin H. Smith.

*Committee on Justin Winsor Prize:* Carl R. Fish, University of Wisconsin, chairman; Edward S. Corwin, Frank H. Hodder, Everett Kimball, Oswald G. Villard.

*Committee on the Herbert Baxter Adams Prize:* Laurence M. Larson, University of Illinois, chairman; Sidney B. Fay, Robert H. Lord, Louis J. Paetow, Miss Ruth Putnam.

<sup>1</sup> Ex-presidents.



*Public Archives Commission:* Victor H. Paltsits, chairman; Clarence W. Alvord, Solon J. Buck, John C. Fitzpatrick, George N. Fuller, George S. Godard, Peter Guilday, Thomas M. Owen.

*Committee on Bibliography:* George M. Dutcher, chairman; Herbert E. Bolton, William T. Laprade, Albert H. Lybyer, Wallace Notestein, William W. Rockwell, Augustus H. Shearer, William A. Slade, Bernard C. Steiner.

*Committee on Publications:* H. Barrett Learned, Washington, chairman; and (*ex officio*) George M. Dutcher, Carl R. Fish, Evarts B. Greene, Gaillard Hunt, J. Franklin Jameson, Laurence M. Larson, Waldo G. Leland, Victor H. Paltsits.

*Committee on Membership:* William E. Lingelbach, University of Pennsylvania, chairman; Robert P. Brooks, Miss Eloise Ellery, Robert H. George, Patrick J. Healy, Edward M. Hulme, Waldo G. Leland (*ex officio*), Charles R. Lingley, Miss Eleanor Lord, John P. McConnell, Albert E. McKinley, Frank E. Melvin, William A. Morris (*ex officio*), Miss Irene T. Myers, Paul F. Peck, R. C. Ballard Thruston, Royal B. Way.

*Committee on a Bibliography of Modern English History:* Edward P. Cheyney, University of Pennsylvania, chairman; Wilbur C. Abbott, Arthur L. Cross, Roger B. Merriman, Conyers Read.

*Committee on History in Schools:* Henry Johnson, Teachers College, chairman; Miss Victoria A. Adams, Henry E. Bourne, Henry L. Cannon, Philip Chase, Oliver M. Dickerson, Herbert D. Foster, Samuel B. Harding, Daniel C. Knowlton, August C. Krey, Robert A. Maurer, Nathaniel W. Stephenson, Rolla M. Tryon, William L. Westermann.

*Conference of Historical Societies:* Chairman to be selected by the programme committee; Augustus H. Shearer, secretary.

*Advisory Board of the History Teacher's Magazine:* Henry Johnson, Teachers College, chairman; Frederic Duncalf, Miss Anna B. Thompson, O. H. Williams (these four hold over); Fred M. Fling, James Sullivan (elected for three years).

*Committee on the Military History Prize:* Robert M. Johnston, Cambridge, chairman; Milledge L. Bonham, jr., Allen R. Boyd, Fred M. Fling, Albert Bushnell Hart.

*Committee on Co-operation with the National Highways Association:* Archer B. Hulbert.

## TWO CONCEPTIONS OF THE FREEDOM OF THE SEAS<sup>1</sup>

ADMIRALTY lawyers and students of the *Digest* of Justinian will remember that the law of jettison is derived from the law of Rhodes. The *Digest* states: "It is provided by the Rhodian Law that if merchandise is thrown overboard to lighten the ship, the loss occasioned for the benefit of all must be made good by the contribution of all." This reasonable rule of average has prevailed through the centuries, and its reception into the Roman law as set forth in the *Digest* gives point to the pleasant, though perhaps apocryphal, story which follows in the same title:

A petition of Eudaimon of Nicomedia to the Emperor Antoninus. Lord Emperor Antoninus: Being shipwrecked in Icaria, we have been plundered by the tax-farmers who live in the Cyclades Islands. Antoninus said to Eudaimon: I am indeed lord of the world, but the Law is lord of the sea.<sup>2</sup>

Vastly different in spirit is the statement of the *Institutes*: "The following things are by the Law of Nature common to all: the air, running water, the sea, and consequently the seashore."<sup>3</sup> The one sets forth the hard practical rule which had developed during years, perhaps centuries, of active maritime commerce in the Eastern Mediterranean, adopted by Rhodian merchants and seamen, not because of any philosophical predilections, but because it was one of the customs of the sea. The other is a doctrine drawn from the law of nature, that body of immutable universal law discoverable by man in the exercise of right reason for which the term "principles of justice" might be substituted, or from that law which nature has taught all animals, a law which, as Ulpian conceived, is shared by all living creatures. These two conceptions, the one derived from the custom of the sea, the other from the philosophic law of nature, have furnished the basis of the historical arguments for the freedom of the seas, while to the proponents of sea sovereignty they have been stumbling-blocks, such was the transcendent authority of the Roman law, impossible to ignore and difficult to combat.

It is not easy for us to understand why the Romans, who so effectively maintained sea power over the Mediterranean and who

<sup>1</sup> A paper read at the meeting of the American Historical Association in Cincinnati, December 27, 1916.

<sup>2</sup> *Digest*, XIV. ii. 1, 9 (Monro's translation); cf. Oppenheim, *International Law* (second ed.), I. 315.

<sup>3</sup> *Institutes*, II. 1; cf. *Digest*, I. viii. 2.

recognized that supremacy at sea was vital to the maintenance of land power, did not extend their sovereignty over the sea as well as over the land. It remained to the jurists of the more modern territorial state to develop the doctrine of sovereignty, which was something different from *proprietas*, or *dominium*, or *imperium*, or even of *majestas*. That ownership over portions of the sea was successfully asserted long before the time of Bodin is proved by numerous examples: by Venice, "when the Doges used to wed the sea with rings", by Genoa, by Spain and Portugal, by England and Scotland; and these claims were defended by distinguished civilians:

"Justinian speak,  
Nor modern Baldo, Bartolo be dumb!"

Modern international law begins with Grotius, and it is of no little significance that the first productions of this marvellous intellect, upon topics in that science of which he is acclaimed the father, were litigious legal briefs challenging the claims of the Portuguese, and incidentally of Spain, to exclusive jurisdiction and ownership over the high seas. The *Mare Liberum*, which was published anonymously in 1608, was the work of Grotius. Written in opposition to the Portuguese, its title was a challenge to those nearer neighbors who had so successfully disputed the claim of Spain to ownership of the sea in 1588. The *Mare Clausum* was the answer to the *Mare Liberum*. Grotius and Selden came to be installed as the apostles, the one of the freedom of the seas, the other of the extravagant and arrogant claims of sea power. Both proceeded according to the scholarly, or rather pedantic, fashion of the seventeenth century. Grotius quoted the poets, Vergil, Ovid, and Horace, with Tacitus, Pliny, and Seneca, but above all the *Institutes* and the *Digest*. Selden used the Scriptures, Old and New, the Talmud, the Fathers, and ranged together more classical quotations, Greek as well as Latin, than did his predecessor. He showed that, as at various times since the Flood portions of the sea had naturally been subjected to territorial ownership and dominion, therefore such dominion existed by the "permissive" law of nature, a truly pragmatic extension of that conception of the law of nature with which the *Institutes* open and upon which legal philosophy rested from Cicero through Aquinas to Grotius, Pufendorf, and Burlamaqui. England, he claimed, had exercised authority over the waters about the British Isles and therefore it had the right to do so. Doubtless Selden claimed too much for England's prescriptive right; his immediate purpose was to furnish an argument for keeping the Dutch

and others out of the British herring fisheries, a matter in which the Scots had long been interested. Queen Elizabeth had told the Spanish ambassador in 1580 that Englishmen would continue to navigate "that vast ocean", since "the use of the sea and air is common to all; neither can any title to the ocean belong to any people or private man, forasmuch as neither nature nor regard of the public use permitteth any possession thereof". In 1588 considerable weight was added to this contention. Selden represented the Stuart point of view. Elizabeth had denied that sovereignty could be exercised over the Great Ocean; the Stuarts claimed ownership over the adjacent seas.

Grotius, on the other hand, stood squarely on the law of nature. The pregnant sentence of the *Institutes* that "the air, running water, the sea . . . are common to all" is the text of his *Mare Liberum*. As is frequently to be noted in his *Law of War and Peace*, Grotius attributed to states the rights and duties which the law of nature imposed upon individuals. States were to each other as individuals in a state of nature. What is related to individuals through ownership is imputed to states as sovereignty. As the individual acquires title to property, so the state gains title to territory. And here is the error of Grotius: territorial sovereignty was something in essence different from ownership. It was in relation to private ownership that the *Institutes* set forth the freedom of the seas, not that the seas were owned by no one, nor that they were public, or, as we should say, national property; but that they were common to all men. Translating private ownership into terms of territorial sovereignty, Grotius denied that a state could exercise sovereignty over the ocean and predicated the right of all states to use it. Proceeding in another direction, Selden fell into an error of a different kind. With him jurisdiction passed beyond sovereignty into complete ownership, at least over the marginal seas, with all the incidents associated with the conception of property, and without limit as to their immediate extent. At bottom there is no such fundamental conflict between Grotius and Selden as is commonly supposed. Grotius claimed that the Great Ocean was free by the law of nature, and that the liberty to trade thereon was (or should be) free to all men by the law of nations: "From the perpetual Law of Nature and of Nations is derived that liberty which is to endure forever."<sup>4</sup> Against it ran neither custom nor prescription. Selden is concerned only with the nearer seas, though he does not limit their extent. Jurisdiction over them had been asserted by Baldus and

<sup>4</sup> Grotius, *The Freedom of the Seas* (Carnegie Endowment ed.), p. 66.

other glossators and civilians. "So, while", Grotius says, Baldus and others "are talking about the Mediterranean, we are talking about the Ocean; they speak of a gulf, we of the boundless sea."<sup>5</sup> Selden, in his conclusions, if not in his arguments, follows Baldus. He was claiming for England jurisdiction over the narrow seas and not, as the Portuguese and Spanish did, sovereignty over the boundless ocean.

The defeat of the Armada made in a large sense for the freedom of the seas, but it was license rather than that regulated freedom which Grotius associated with the reign of law, as the exploits of Hawkins, Drake, and their successors abundantly bear witness. It was the merit of Grotius that he furnished the philosophical and juristic basis for the regulated freedom of the seas based upon the fundamental idea that the seas, being common to all, were a universal highway of commerce. The legal idea had long been expressed in other ways. To name the successive medieval sea codes—the Rhodian Sea Law, the Tables of Amalfi, the Consolato del Mare of Barcelona, the Rôles of Oléron, the Little Red Book of Bristol, the Laws of Wisby—is to trace the extension of maritime commerce from the Levant to the Scandinavian peninsula. The law of commerce and the law of the sea are interwoven in their development. Their growth was spontaneous, their spirit was extra-national, they embodied a true common law of nations, a *jus gentium*. An opening sentence of the Consolato reflects the nature of all the codes: "Here begin the good customs of the sea". Universal as the principles of the sea codes were, they lacked the authority of a great juristic system. All of Continental Europe derived its law from Rome; so did Scotland; and, when Grotius wrote, England had but recently saved her common law from the Roman inundation. To what had been toilfully accomplished by the maritime adventurers, from Rhodes to the Hanse Towns, strength and permanency were added by the authority of Roman legal doctrines and by the logic of the law-of-nature philosophy.

The rise of permanent navies proceeds with the extension of modern commerce. Commerce became secure in time of peace, and navies, by policing the seas, drove out the lawless rovers. It is late in the history of English law that the term "pirate" is associated with lawlessness, and it is no mere coincidence that the famous charge of Sir Leoline Jenkins, in which is contained the modern conception of piracy, was set forth at a time (1668) when the admiralty jurisdiction had been vindicated, and England had led the

<sup>5</sup> Grotius, *The Freedom of the Seas*, p. 58.



way in the establishment of modern navies. These, in armament and in strategic use, remained practically unchanged until Navarino (1827). The doctrine of Grotius, that the sea was free, gained headway in spite of England's power to force the striking of flags within the narrow seas. His other doctrine, that by the law of nations everyone should be free to trade upon the sea, was impaired by the national policies of mercantilism. The commercial treaties of the seventeenth and eighteenth centuries proceeded upon a quite different theory from that of Grotius. This was that the right to navigate the coasts and to frequent the ports of the state was a franchise to be exchanged for a valuable consideration. In these treaties, moreover, rights upon the sea in time of war were strictly regulated: the doctrines of contraband, of visitation and search, of asylum for prizes, of reprisals, and indeed of much of the law of maritime neutrality, may be traced therein.

With the peace of Utrecht there were three bases for the regulation of the seas: the doctrines of Grotius, drawn from the law of nature, the customs of the sea developed from medieval codes, and the commercial treaties. The vast ocean was generally recognized as incapable of occupation and free from claims to exclusive sovereignty. Much of the old sea law had been received and enforced by the admiralty courts of many states, while a network of commercial treaties set forth the status of non-belligerents and their property in time of maritime war. One element remained to be determined: the extent to which a state might exercise jurisdiction over the waters bathing its coasts. Many had wrestled with this problem. Bartolus and Gentilis claimed that such jurisdiction extended one hundred miles, or two days' journey, from the seashore. Baldus and Bodin more conservatively limited it to sixty. Perhaps more practical was the maritime custom of regarding all waters visible from the shore as within the power of the littoral state. It was the service of the fellow-countryman of Grotius, Bynkershoek, to supply a rule which is still the fundamental principle governing the marginal seas. This is that the coastal waters are subject to the sovereign jurisdiction of the state because they are appurtenant to the state's land-territory, and that the extension of such jurisdiction is determined by the power which the state is able to exert over such waters from the shore. This sovereign jurisdiction over navigable waters was subject to the right of innocent passage. The general adoption of this doctrine is evidence of the need for a compromise between the extremes of sovereignty and complete freedom of the seas.

With the rivalries of the eighteenth century there developed spe-

cific antagonism to British commerce and British sea power. The doctrine that "free ships make free goods" was pleasant to the small states with weak navies which hoped to remain neutral in time of war. As such it was welcomed by the Scandinavian countries, Holland, and Prussia. If by the law of nature the sea was free, and by the law of nations the right to trade was free to all men, it was an easy step from the doctrine that "free ships make free goods" to that of the complete inviolability of private property at sea during war. Contraband remained an exception; but the list of contraband was limited to the actual implements of war. Such a doctrine harmonized with the spirit of eighteenth-century enlightenment. The treaty between the United States and Prussia, which Adams and Franklin wrote and Frederick II. agreed to, represents the extreme of the law of nature and it was at the same time an affront to existing British sea power. Opposed to England, the United States at the beginning of its history naturally adopted those liberal principles of international maritime law which Grotius had set forth as counsels of perfection and which the Continental countries had adopted as a check upon Great Britain. The armed neutralities of 1780 and 1800 were the last concerted efforts of eighteenth-century enlightenment to conform sea power to the principles of Grotius. A few years later, when France was vainly attempting to break England's naval power, it remained to Barère to become the champion of the freedom of the seas, in a memoir which he ascribed to Napoleon. At the very time, however, when Barère was assailing England as the destroyer of the freedom of the seas, the British prize court, sitting as a court of the law of nations, under Lord Stowell, was deciding cases in which many valuable neutral rights were recognized as against her own sea power. Similarly when the United States was a belligerent, the decisions of Marshall and Story gave a legal superstructure to the modern doctrine of neutrality of which Washington had laid the foundations.

In two respects the freedom of the seas was far from being realized at the close of the Napoleonic era. Piracy such as Jenkins condemned had, thanks to the policing of the seas, practically ceased near the main avenues of sea traffic. The slave-trade, held not to be piracy by the law of nations, was nevertheless put under the ban of the powers of Europe. To the efforts made by the civilized world to suppress this traffic the United States opposed the principles of maritime freedom for which she had entered the War of 1812. What Grotius had set forth as a principle of freedom was used as a cloak for the protection of slavery in the interest of a peculiar policy of the United States. Privateering, again, with the

distribution of prize money was but a form of legalized piracy. Wholly contrary to the spirit of Grotius, every belligerent had engaged in it, and no state to greater advantage than the United States in her first two wars.

The end of the Napoleonic Wars and our second war with Great Britain is the end of an epoch. The doctrine of the law of nature was forever discredited. The introduction of steam, the increase in the size of merchant vessels, the development of regular and frequent means of oceanic transportation changed the character of maritime commerce and of international traffic as well as of naval ordnance, equipment, and strategy. Between the Napoleonic Wars and the Crimean War England's sea power remained supreme while her commercial policy changed. Having adopted free trade, England in 1854 repealed the last of her navigation acts. At the same time, as an ally of France, she adopted the doctrine that "free ships make free goods" and thereby surrendered a large part of the power which her navy gave her. Privateering, which had been rendered obsolete by changes in naval construction, was abolished by the Declaration of Paris. With adhesion to that declaration by all maritime powers, excepting the United States and Spain, it was assumed that in war neutrals might enjoy the freedom of the seas. No state claimed sovereignty over territorial waters much beyond the three-mile strip, a limitation which the United States was the first to adopt. Nothing seemed to remain in the way of the realization of entire freedom of the seas in war and in peace except the complete immunity from capture of private property at sea during war. This the United States had advocated in 1785 and again in 1856, when she declined to adhere to the Declaration of Paris because it did not go far enough. What the law of nature had failed to accomplish the great law-making treaty known as the Declaration of Paris was held to have secured.

International legislation was the means adopted to secure the ultimate freedom of the seas. At the second Hague Conference the United States again, and unsuccessfully, urged the complete immunity of private property at sea during war. Of the ten principal maritime powers there represented, Austro-Hungary, Germany, Italy, and the Netherlands sided with the United States at least in principle; opposed to immunity were Great Britain, France, Russia, Spain, and Japan. The line of cleavage is significant in the light of the present war. The defeat of this traditional contention of the United States was viewed by many of our naval officers with unconcealed delight. In 1856 we had a large merchant marine and no navy; in 1907 we had a large navy and a small merchant marine.

The adoption by the same Hague Conference of a resolution to establish an international prize court showed the need of an international code for maritime warfare. The Declaration of Paris was apparently a successful precedent, though it had never been subjected to the test of a great maritime war. In the effort toward codification England led the way and issued invitations for the naval conference which was held in London in 1908-1909. Reading the instructions to the British delegates and viewing the attitude of Great Britain toward the various proposals of the conference, it is inconceivable that Great Britain then designed any offensive use of her sea power. Dominated either by that newer law of nature called pacifism, or by the belief that in the next great war she would be a neutral, she assisted in the formulation of a code which deprived herself of the effective use of sea power to an extent which to-day seems amazing. By a constitutional obstruction which proved more than fortunate, she entered the great war without having ratified the Declaration of London and without being handicapped by its provisions. The declaration is now an historical document; so is the Declaration of Paris—so are most of the so-called law-making treaties concerning war to which so much thought was given and upon which so much reliance was placed.

The present war has reproduced upon a vaster scale the situation of the Napoleonic era. Reprisal has followed reprisal. The neutral, in a way the trustee and guardian of international law during war, has accomplished nothing. He is of those

Che visser senza infamia e senza lodo.  
 Mischiate sono a quel cattivo coro  
 Degli angeli che non furon ribelli  
 Né fûr fedeli a Dio, ma per sé foro.<sup>6</sup>

The fancied freedom of the seas has vanished. Strategic areas comprising vaster extent than those for which Selden argued, the mining of the high seas, and the use of the submarine as a ruthless destroyer of commerce, an instrument of *Schrecklichkeit*, have produced an anarchy for which there is no parallel. What can be rescued out of this chaos it is hopeless to conjecture. Where lives have not been taken, arbitration furnishes a remedy for the vindication of law. As Stowell, during the Napoleonic Wars, and Marshall, during our War of 1812, upheld the law of the sea, so the British court, the Judicial Committee of the Privy Council, in the case of the *Zamora*<sup>7</sup> took a position which vindicates that freedom,

<sup>6</sup> *Inf.* III. 36-39.

<sup>7</sup> April 7, 1916.

for it stated in effect that an Order in Council in opposition to the principles of international law is of no legal validity. A régime of law means an acceptance of a *status quo*. How shall this be reached? Probably not by any balance of power which, on land, has managed over long periods to keep the peace, for a balance of power upon the sea is not conditioned by any analogy to the territorial boundaries of states, the basis of a territorial *status quo*. The sea power of a state is limited only by its desires, its resources, and time. Treitschke voiced the claims of the freedom of the seas as against sea power much as did Barère a century before.

“Auf den Wellen ist alles Welle,  
Auf dem Meer ist kein Eigenthum.”

The melancholy saying of Schiller still [he says] holds good. . . . Deeply mortifying as this is to our [German] pride, it is true, because even today [he was writing in 1892, when Germany's navy was in its infancy] there is no balance of power at sea, and for this we have no one to blame but England. Her superiority is so immeasurable that she can do whatever she pleases. A balance of naval power must be brought to pass before the ideals of humanity and international law can hope to be realized upon the seas.<sup>8</sup>

For twenty years this doctrine was preached and acted upon. The “freedom of the seas” has meant the challenge to British sea power, the quest for a “place in the sun”, the development of a large navy to contest the balance of naval power. This is not the freedom of the seas for which Grotius strove, or for which the Armed Neutrality contested, or which the Declaration of Paris proclaimed. The freedom of the seas means the realization of the rescript of the Antonine: “the Law rules the sea”, and not the development of an aggressive foreign policy. That England has at times used her sea power arrogantly no American is apt to deny. At the same time, to the securing of what freedom the seas possessed in the century between 1814 and 1914, while her sea power was undisputed, England made the principal contribution. The oceans have been policed, the slave-trade destroyed, non-belligerent visitation and search repudiated, impressment of alien seamen surrendered, trade and navigation made free. Notwithstanding Britain's power, the international commerce and carrying trade of other nations increased to the point of successful rivalry. What would strike at these things is miscalled the freedom of the seas. The infamous misdeeds of the submarine have made less for the freedom of the seas than did the guillotine for liberty. The guillotine at least gave warning before it struck, and its purveyors spared innocent and helpless children.

J. S. REEVES.

<sup>8</sup> Treitschke, *Politics* (Eng. trans., 1916), II. 617-618.

## THE ENGLISH CRIMINAL LAW AND BENEFIT OF CLERGY DURING THE EIGHTEENTH AND EARLY NINETEENTH CENTURIES<sup>1</sup>

MORE than three hundred years ago the "judicious" Hooker sagely observed that whoever undertook to maintain existing institutions had "to strive with a number of heavy prejudices deeply rooted in the hearts of men".<sup>2</sup> In our own day, when a feverish desire for innovation as well as a commendable zeal for reform are peculiarly rife, his warning would apply with added force to one who would venture to defend an obsolete institution. For some time our courts and judges have been under fire and our first reaction toward legal fictions in English law would be to scorn them as peculiarly noxious products of the lawyer's brain. Tested at their face value, warranties, recoveries, the bill of Middlesex, and the writ of *latitat* seem perverse and barren subtleties;<sup>3</sup> but, as a wise student of human culture has pointed out: "To ingenious attempts at explaining by the light of reason things which want the light of history to show their meaning, much of the learned nonsense of the world has indeed been due."<sup>4</sup>

Very generally legal fictions were devised as means of evading or modifying laws, which, obstructive or oppressive as they might be in particular cases, could not be repealed. Since the law could not be altered the facts were altered, though the fictions by which this was brought about never deceived nor were intended to deceive anybody.<sup>5</sup> "It must also be remembered", says Sir Frederick Pollock, "that the shifts and fictions which appeared to our fathers of the Reform Bill time roundabout, cumbrous, absurd, and barely honest, were introduced as a deliverance from things yet worse".<sup>6</sup>

<sup>1</sup> This paper, in substantially its present form, was read at the meeting of the American Historical Association in Cincinnati, December 29, 1916.

<sup>2</sup> Hooker, *Ecclesiastical Polity*, bk. I., ch. 1, sec. 1.

<sup>3</sup> Cf. McIlwain, *The High Court of Parliament and its Supremacy* (1910), pp. 265, 266.

<sup>4</sup> Tylor, *Primitive Culture* (1877), I, 19, 20.

<sup>5</sup> McIlwain, *op. cit.*, p. 265, citing Austin, *Lectures on Jurisprudence* (fourth ed.), II, 629.

<sup>6</sup> *Land Laws* (1883), p. 75; cf. also p. 66. Blackstone observes with reference to the same point "the liberality of our modern courts of justice is frequently obliged to have recourse to unaccountable fictions and circuities in order to recover that equitable and substantial justice, which for a long time was totally buried under the narrow rules and fanciful niceties of metaphysical and Norman



In the case of the criminal code the evil was due to a series of sanguinary laws extending from the sixteenth through the eighteenth century and imposing the capital penalty on scores of minor offenses, particularly, various forms of stealing and arson. This barbarous legislation, which reached its apogee at the beginning of the nineteenth century, was due to the lawlessness which flourished rankly before the days of an organized police system, to the disregard of human life so widely prevalent before the awakening of the humanitarian spirit, and to the exalted notions regarding the sacredness of property held by the privileged classes who then dominated Parliament. The mischief of over-minutely regulative legislation, once manifest in the English criminal code, is only too apparent in other fields of governmental activity in our modern democracies.<sup>7</sup>

The method by which the judges came to soften the rigor of the old penal code was largely by means of the fiction of benefit of clergy and various transparent distortions of fact by which they and the juries made it apply. Blackstone,<sup>8</sup> commenting on the status of the institution in his time, remarks:

In this state does the benefit of clergy at present stand, very considerably different from its original institution: the wisdom of the English legislature, having in the course of a long and laborious process, extracted, by a noble alchemy, rich medicine out of poisonous ingredients, and converted by gradual mutations, what was at first an unreasonable exemption of particular popish ecclesiastics into a merciful mitigation of the general law with respect to capital punishments.

It is true that the later development of benefit of clergy owed much to legislative enactment; but Blackstone in his touching admiration of the British constitution fails to emphasize the fact that Parliament in its unwisdom, by a succession of eighteenth-century statutes excluding hosts of felonies from benefit of clergy, took away with one hand what it gave with the other, so that, had it not been for the wise and merciful discretion of those who administered the laws, the situation would have been intolerable. Many of the old judges were callous enough in all conscience, some, no doubt, were corrupt, the devices which they had to employ were crude, awkward, and intricate,<sup>9</sup> furthermore, they played havoc with facts; jurisprudence." *Commentaries on the English Constitution*, IV. 418. The references to Blackstone are to the original edition, the pagination of which is usually to be found in the margins of those issued by subsequent editors.

<sup>7</sup> Cf. e. g., Pollock, *Land Laws*, pp. 149-150.

<sup>8</sup> *Commentaries*, IV. 372.

<sup>9</sup> Sir James Fitzjames Stephen, *History of the Criminal Law of England* (1883), I. 458.

but an actual examination of the court records would seem to indicate that they are deserving of more credit than they have received from historians.

Lecky tells us that "the penal code was not only atrociously sanguinary and constantly aggravated by the addition of new offenses; it was also executed in a manner peculiarly fitted to brutalize the people".<sup>10</sup> He inveighs against "the atrocity and almost grotesque absurdity" of a system whereby the same crimes might, by a haphazard multiplicity of statutes, be prosecuted under totally different penalties, while in addition they remained offenses at the common law.<sup>11</sup>

A natural result of such laws [he argues]<sup>12</sup> was the constant perjury of juries. Unwilling to convict culprits for small offenses which were made punishable by death, they frequently acquitted in the face of the clearest evidence; and, as witnesses in these cases were very reluctant to appear, criminals—among whom the gambling spirit is strongly developed—generally preferred to be tried for a capital offense rather than for a misdemeanor. Often, too, juries, when unwilling to acquit, reduced the offense by most barefaced perjury to the rank of a misdemeanor.<sup>13</sup> Thus, several cases are recorded in which prisoners, indicted for stealing from dwelling houses were convicted only of larceny, by the jury finding that the value of what they had stolen was less than 40 shillings, even when several guineas in gold, or bank notes to a considerable amount, were among the booty that was taken. The proportion of arrested men who were discharged on account of prosecutors and witnesses failing to appear against them,<sup>14</sup> or acquitted on account of the reluctance of juries to condemn, or of the legal rule that the smallest technical flaw invalidated the indictment was enormously great. . . . In one year, from April 1793 to March 1794, 1060 persons were tried at the Old Bailey and of these only 493 were punished.<sup>15</sup>

<sup>10</sup> Lecky, *History of England in the Eighteenth Century* (cab. ed., 1904), II. 134.

<sup>11</sup> *Ibid.*, VII. 314–317. Cf. Burn, *The Justice of the Peace* (twenty-third ed., 1820), I. xxv, citing Hawkins, *Pleas of the Crown*, I., c. 28, sec. 18: "Wherever a statute makes any offense felony, it incidentally gives it all the properties of felony at the Common Law." Cf. also Burn, III. 191, citing the opinion of Bayley, J., in *Rex v. Johnson*.

<sup>12</sup> As an example of the lack of discrimination in penalties he instances (VII. 317, note 1) the case of two persons whipped round Covent Garden in 1772, one for stealing a bunch of radishes, one "for debauching and polluting his own niece". *Ibid.*, citing *Annual Register* (1772), p. 116.

<sup>13</sup> This was more properly a clergyable felony.

<sup>14</sup> Sir Walter Besant, *London in the Eighteenth Century* (1902), points out that the citizens were "afraid of giving evidence", that they were "terrorised into silence" by the numbers and organizations of the criminal class that infested the city (pp. 502, 504, citing Henry Fielding, *An Enquiry into the Causes of the late Increase of Robberies*, etc., 1751).

<sup>15</sup> Lecky, *England*, VII. 317–319. Thus the percentage of convictions for the year selected was 46. An examination of the *Old Bailey Sessions Papers* indicates

While many of those sentenced to death had their sentence commuted, usually to transportation, the number of executions was scandalously large.<sup>16</sup> Lecky's conclusion is that the very ferocity of the code and the consequent uncertainty in enforcing it "also deprived secondary punishment of deterrent effect, for the imaginations of men were naturally much more impressed by the escape of a criminal from the gallows than by the fate which subsequently awaited him". This was the attitude taken by Romilly, Mackintosh, and Peel, who wrought such a wonderful reform in the English criminal code; yet it was also accepted as a general principle by Blackstone notwithstanding his general devotion to the existing system.<sup>17</sup>

Meantime, before the efforts of the reformers had borne fruit, crime had begun to increase with startling rapidity. In 1805, 4605 were committed for trial, 2783 were convicted, of whom 350 were sentenced to death, and 68 executed. In 1810, 5146 were committed, 3158 convicted, 476 sentenced to death, and 67 executed. In 1815 there were 7818 committed, 4883 convicted, 553 sentenced to death, and 57 executed. In 1819, 14,254 were committed, 9510 convicted, 1314 sentenced to death, and 108 executed. Sir Spencer Walpole, who cites these statistics,<sup>18</sup> draws two conclusions there-  
that the percentage of convictions often ran to 60 and occasionally even higher. See below, p. 560.

<sup>16</sup> For figures see Lecky, VII. 317-319, citing Howard, *State of Prisons*, pp. 479-485, and *Annual Register*, 1785, p. 247.

<sup>17</sup> He cites with approval the opinion of Montesquieu (*Spirit of the Laws*, bk. VI., ch. 13) "that crimes are more effectually prevented by the *certainty*, than by the *severity* of punishment", and also the statute 1 Mary, st. 1, c. 1, which declares in its preamble "that laws made for the preservation of the commonwealth without great penalties are more often obeyed and kept, than laws made with 'extreme punishments'". Blackstone then proceeds to argue that "a multitude of sanguinary laws . . . prove a manifest defect either in the wisdom of the legislative, or in the strength of the executive power". Referring to the 160 crimes punishable by death without benefit of clergy, he remarks: "So dreadful a list, instead of diminishing, increases the number of offenders. The injured, through compassion, will often forbear to prosecute; juries, through compassion, will sometimes forget their oaths and either acquit the guilty or mitigate the nature of the offence; and judges, through compassion, will respite one half of the convicts, and recommend them to the royal mercy. Among so many chances of escaping, the needy and hardened offender overlooks the multitude that suffer: he boldly engages in some desperate attempt to relieve his wants or supply his vices." At the same time, he points out a consideration which will be developed later, namely that, "besides the additional terrors of a speedy execution and a subsequent exposure or dissection, robbers have a hope of transportation, which seldom is extended to murderers", which has the effect of "preventing frequent assassinations". *Commentaries*, IV. 17, 18, 19.

<sup>18</sup> *History of England since 1815* (cab. ed., 1907), I. 167, 168.

from: first, "the extraordinary increase in the amount of crime; the second, the uncertainty of detecting it. Out of every 100 persons who were committed for trial, 33 had a reasonable prospect of acquittal; out of every hundred persons who were sentenced to death, 92 were not executed." It would appear, however, that upwards of 70 per cent. of convictions would indicate a considerable certainty of punishment, in view of the number of persons brought to trial on insufficient evidence.

Another of Sir Spencer Walpole's conclusions must be questioned. He states that, "all felonies, except sacrilege and horse-stealing, were, up to 1827, felonies with benefit of clergy, provided the same were not expressly excepted by statute. But, as in practice they always were excepted, the law was a mere mockery."<sup>19</sup> To be sure, Sir James Mackintosh stated that in 1819 there were "no less than 200 felonies punishable with death"—and this no doubt meant without benefit of clergy—an increase of forty since Blackstone wrote. As a matter of fact, as Walpole himself admits, there were only twenty-five offenses for which anyone had suffered death during three-quarters of a century.<sup>20</sup> Only those accused of certain of the graver crimes were in jeopardy of their lives, while, in other cases, the juries, instructed it would seem by the judges, would render verdicts which brought the offense within benefit of clergy.<sup>21</sup> So, while benefit of clergy may have been a mockery according to the letter of the law, it was far from such in practical application, as will be seen later.

Walpole further asserts that "the severity of the penal code acted as a direct encouragement to the criminal", and that "juries declined to convict an unfortunate individual of a trifling offence, when conviction might entail the loss of the offender's life; and prisoners were consequently acquitted, not because they were innocent, but because the punishment assignable to the offence was, in the opinion of the country, too severe".<sup>22</sup> This again is not in accordance with the facts, for, while the juries, by a recognized prac-

<sup>19</sup> *History of England since 1815*, I. 168, note 2.

<sup>20</sup> *Ibid.*, II. 138.

<sup>21</sup> *Cf.*, for example, the 57 executed in 1819: murder and attempted murder 16; burglary 10; forgery 11; robbery from the person 7; rape 7; sheep-stealing 3; arson 1; horse-stealing 1; unnatural offense 1. *Ibid.*, I. 167, note 1, citing *Metropolitan Police Report* (1828), p. 286. On the other hand, from 1805 to 1817, 655 persons had been indicted for stealing 5 s from a shop; 113 had been sentenced to death, "but the sentence had not been carried into effect on a single offender". *Ibid.*, II. 135. Here again Walpole conveys an erroneous impression by omitting to state that in most cases the accused instead of being acquitted suffered some lighter punishment.

<sup>22</sup> *Ibid.*, I. 169.

tice which Lecky termed "barefaced perjury" and Blackstone "pious perjury", evaded imposing the extreme penalties of the law, they did not acquit in the majority of cases. While emphasizing these points it is still possible heartily to agree that the laws were a horrible anomaly and that they needed sorely to be brought "into accord with the practice".

Long before Lecky or Walpole wrote, the commissioners appointed to inquire into the state of the criminal law and to suggest reforms had taken the attitude generally adopted by subsequent writers.<sup>23</sup>

If it were understood [so they report] that the minor degrees of those offenses which are now capital would ordinarily be visited with the utmost severity of the law, it would be difficult, by reason of the sentiments of the various parties concerned in the administration of justice, to procure convictions of guilty persons. Accordingly, whilst the law annexes the punishment of death to several extensive classes of offenses, that punishment is and can be executed only on a few only of the more atrocious offenders by way of example. . . . A hungry pauper, for example, who after it is dark breaks a pane of glass, and thrusts his hand through the broken window to seize a loaf of bread is just as liable to suffer death, as a gang of ruffians who break into a dwelling house to pillage the inhabitants, and who execute their purpose with circumstances of the utmost violence and cruelty. Since then, the punishment of death cannot be invariably executed in all cases where it is annexed by law to the crime, the question arises whether it is of use in those cases where it is so annexed but not actually inflicted.<sup>24</sup>

Here again, there is a failure to distinguish between the letter of the law and the way in which it was administered; almost invariably in the case of a needy first offender a verdict would be rendered making the theft a clergyable felony, and, while the accused was usually punished, he ran little or no chance of losing his life.<sup>25</sup>

The commissioners, the contemporary reformers, and practically

<sup>23</sup> See Commissioners on the Criminal Law, *Reports* 1 to 8 (London, 1834-1845, 3 vols., fol.).

<sup>24</sup> *Criminal Law Report*, II. 19. Compare also, p. 23, and Walpole, *England since 1815*, II. 133, 134.

<sup>25</sup> The commissioners apparently recognize this fact when they refer to "the nearest approach to a general rule guiding the practice of selection in burglary and robbery: when the offense is accompanied with great personal violence the offenders are not infrequently punished with death. But even here the practice is varying and uncertain." *Report*, II. 25. Richard Burn in his invaluable work, *The Justice of the Peace* (III. 204), has an apposite passage: "It is said by Mr. Dalton and others that it is no felony for one reduced to extreme necessity to take so much of another's victuals as will save him from starving; but this can never be admitted as a legal defense in a country like this. . . . Yet still in apportioning the punishment, the court will have a tender regard to cases of real necessity, which may and do exist sometimes under the best regulated governments."

all the writers who have followed them in dealing with the subject have argued that the inordinate number of capital penalties, which were rarely imposed except in extreme cases, was a direct encouragement to criminals. A careful study of the situation, however, would seem to indicate that the sanguinary laws were a symptom rather than a cause. The startling prevalence of crime was due to a complex of causes. Doubtless the lack of an effective police system was a leading factor. The London constables and watchmen were generally inept, often corrupt, and not infrequently both. Timid folk did not dare to appear as prosecutors, fearing subsequent vengeance from desperate criminals.<sup>26</sup> Peel saw to the bottom of this and accompanied his reform of the criminal code by the establishment of the metropolitan police in 1829, an institution which was gradually extended throughout the country. A second factor to be taken into account is the absence of adequate lighting facilities, notably in London where the dark, crooked streets and alleys offered tempting lurking-places for thieves and robbers. Then, thirdly, the appalling increase in the consumption of spirits, particularly gin, played a prominent and sinister rôle in the sordid drama.<sup>27</sup> Fourthly, the degrading and brutalizing sports, such as bull-baiting, cock-fighting, prize-fighting, as well as the public executions, which were regarded in the light of recreations, have also to be taken into account. Fifthly, the absence of any comprehensive provision for public education was a factor of no inconsiderable importance. Finally, the distressing increase of crime to be noted in the last decade of the eighteenth century<sup>28</sup> and first four decades of the nineteenth was due largely to the real misery produced by the Great French War and the painful readjustment necessitated by the Industrial Revolution—the introduction of machinery and factories and the influx into towns incapable of absorbing at once large increases of population. With the advent of better times about the middle of the last century crime began steadily to decrease.<sup>29</sup>

<sup>26</sup> For a brief account of informers see Besant, *London in the Eighteenth Century*, p. 513 ff.

<sup>27</sup> For the increase of gin-drinking and the futile efforts to check it see Lecky, *England*, II. 98 ff.; Lord Mahon (Earl Stanhope), *History of England, 1713–1783* (fourth ed., 1853–1854), II. 282 ff.; III. 212 ff. The consumption of gin increased from 527,000 gallons in 1684 to 5,394,000 in 1735, and to nearly 11,000,000 in 1750.

<sup>28</sup> For figures see above, p. 547.

<sup>29</sup> In 1819 there was one committal in every 1000; in 1842 one in 500; in 1845 one in 750; in 1869 one in 1000. Walpole, *England*, V. 57, 152. The committals rose from 4346 in 1806 to 31,309 in 1842 and then, in spite of a rapidly increasing population, dropped to 18,326 in 1861. *Ibid.*, VI. 387. Curiously enough, Sir Spencer Walpole, while he recognizes many of the above causes in fostering crime, does not apply them to modify his conclusions with regard to the



Hovering over the administration of the criminal law in the late eighteenth and early nineteenth century was the ghost of benefit of clergy, strangely transformed from its original shape. Although described in more or less detail by various legal writers,<sup>30</sup> it will be necessary to sketch briefly the chequered career of this venerable institution. Benefit of clergy, or *privilegium clericale*, consisted originally in the right of the clergy, in the graver crimes which came to be known as felonies, to be exempt from the jurisdiction of the secular courts and to be subject only to the church courts.<sup>31</sup> This claim, which apparently dates from very early times, was first clearly recognized in England in Stephen's charter of 1136.<sup>32</sup> The refusal of Henry II. to recognize the privilege of exemption in the case of criminous clerks was the chief cause for the famous struggle with Becket. In an agreement made with the papal legate in 1176 the king finally agreed that "in criminal cases, for the future, no clerk should be brought in person before a secular judge except for some offense against the forest laws or in respect of some service due by reason of feudal tenure".<sup>33</sup> The accused clerk was claimed by the ordinary, as the bishop's representative was called, and held in prison until called upon to purge himself in the court Christian, which he did with the aid of twelve compurgators or oath helpers.<sup>34</sup>

old criminal code. For a discussion of the prevalence of crime in the eighteenth century see Besant, *London*, p. 502 ff.

<sup>30</sup> Among them are: Sir Matthew Hale, *History of the Pleas of the Crown* (1786), II. 323-390; William Hawkins, *Treatise of Pleas of the Crown* (1721), II. 337-366; Chitty, *A Treatise on Crown Law* (1816), I. 666-690; Blackstone, *Commentaries*, IV. 365-374; Burn, *Justice of the Peace*, I. 498-503; *Encyclopaedia of the Laws of England* (London, 1897-1898), II. 59-61; Pollock and Maitland, *English Law*, I. 441-457; Felix Makower, *Constitutional History and Constitution of the Church of England* (1895), pp. 399-415; Pike, *A History of Crime in England* (1873-1876), I. 104-105, 116, 212, 298-303, 314; II. 280-282, 454-455; Pike, *Constitutional History of the House of Lords*, pp. 261-263; Stephen, *Criminal Law*, I. 457-478; *Middlesex County Records* (n. d.), I. xxxiii-xlix.

<sup>31</sup> It is said that their claim was based on the text: "Touch not mine anointed and do my prophets no harm." I Chronicles, xvi. 22, and Psalms, cv. 15. Blackstone, *Commentaries*, IV. 365.

<sup>32</sup> Makower, *Church of England*, p. 399.

<sup>33</sup> *Ibid.*, p. 402; Pollock and Maitland, I. 447, note 1. The privilege was confirmed in the so-called *articuli cleri*, 9 Edw. II., st. 1, c. 15, which provides that "a clerk ought not to be judged before a Temporal Judge, nor anything may be done against him that concerneth Life or Member".

<sup>34</sup> Stephen, *Criminal Law*, I. 459, 460, citing Bracton, states that in the latter's day the clerk had to be handed over at once, but Pollock and Maitland show (I. 442) that before the end of the reign of Henry III. a preliminary inquest might be held in the lay court. If found innocent the accused was released. If found guilty his land and goods were forfeited before he was handed over to the ecclesiastical court. In later times his chattels only were forfeited, see Burn, *Justice of the Peace*, II. 442, citing Hale, *Crown Pleas*, II. 388, 389, and III. 215, citing East, *Pleas of the Crown*, II. 736, 737.

In the rare event of his failing to clear himself he was punished with degradation from orders, relegation to a monastery, whipping or branding, for the Church could not shed blood.<sup>35</sup>

Originally benefit of clergy was confined to regularly ordained clerks and monks (*i. e.*, those who had *habitum et tonsuram clericalem*) but in 1350 an ordinance for the clergy (*i. e.*, *pro clero*)<sup>36</sup> included within the scope of the privilege "all manner of clerks as well secular as religious". This was apparently interpreted to mean all who could read; at any rate such grew to be the usage of the courts.<sup>37</sup> A verse in the Psalter was commonly selected (usually the 51st Psalm) which came to be known as the "neck-verse", and if the accused was able to "read like a clerk" he was handed over to the ordinary, though it was an indictable offense at common law to teach a felon to read that he might claim his clergy. By the reign of Henry VI. it became the settled practice of the courts that no one could claim the privilege until after his trial in the secular tribunal.<sup>38</sup> While this was aimed at the Church's claims of exemption, the advantage was obvious; for the accused always stood a chance of being acquitted.

With the spread of education abuses naturally arose, and in 1487<sup>39</sup> it was enacted that, "whereas upon trust of privilege of the Church, divers persons lettered hath been the more bold to commit murder, rape, robbery, theft and all other mischievous deeds", every person not being within orders who shall once be admitted to the benefit of clergy, shall, if convicted of murder, be branded with an M on the brawn of his left thumb, for any other felony with a T, by the gaoler "openly in the court in the presence of the judge before being delivered to the ordinary". Such persons were henceforth forbidden to claim any benefit of clergy, while clerks actually in orders were still entitled to the privilege as often as they offended.<sup>40</sup> By 1 Edw. VI., c. 12, s. 10 ff., it was enacted that:

<sup>35</sup> Pollock and Maitland, I. 445.

<sup>36</sup> 25 Edw. III., st. 6, c. 4. This was confirmed by 4 Hen. IV., c. 2 (1402).

<sup>37</sup> However, one judge as late as 1352 held that tonsure was necessary for a successful assertion of benefit of clergy, though the ordinary was willing to go further. Pike, *History of Crime*, I. 300. Cf. Makower, *Church of England*, p. 403, note 32. One curious exception was the exclusion of a *bigamus*, by 4 Edw. I., c. 5 (1276) and 18 Edw. III., c. 2 (1344). This did not mean a bigamist in our sense, but a man who married twice or married a widow. The restriction was done away with by 1 Edw. VI., c. 12, s. 16. Stephen, *Criminal Law*, I. 461.

<sup>38</sup> *Ibid.*, I. 460; Makower, p. 405; Pike, *House of Lords*, p. 261, is apparently incorrect in stating the contrary.

<sup>39</sup> 4 Hen. VII., c. 13.

<sup>40</sup> Those actually in holy orders were not branded. Burn, *Justice of the Peace*, I. 498, citing Hale, *Pleas of the Crown*, II. 374, 375, 389. By two statutes

In any case in which any of the King's subjects might have benefit of clergy, as well as in addition for the crimes of house-breaking, highway robbery, horse-stealing, and robbing of churches, any Peer or Lord of Parliament was, upon claim made, to be held as a clerk convict who might make purgation . . . "though he cannot read, without any burning in the hand, loss of inheritance, or corruption of his blood."<sup>41</sup>

In an age when the cultivation of letters was still regarded as an ungentlemanly pursuit there were some no doubt to whom the concession in the matter of reading was vital.<sup>42</sup> Readers of *Henry Esmond* will recall how Lord Mohun pleaded his clergy after he had killed Lord Castlewood in a duel. As a matter of fact, Lords Mohun and Warwick claimed the privilege when they were tried before the House of Lords for the murder of Richard Coote, October 30, 1698.<sup>43</sup> Lord Byron—from whom his grandnephew, the poet, inherited the title—who killed Viscount Chaworth in a tavern scuffle and who was convicted of manslaughter by his peers, April 16, 1765, escaped death by virtue of his privilege.<sup>44</sup> As in the case of lay commoners, a peer could claim his clergy only once.

The proceedings in the episcopal court were usually a sham, a "blasphemous farce". The culprit, generally after he had pleaded guilty or been convicted before a secular tribunal, swore his oath that he was innocent, the twelve compurgators whom he selected nonchalantly supported him in his perjury, the judge connived at the practice, and an acquittal usually followed. The only excuse for this solemn mockery was the "barbarously simple penal code" and the fact that, in the case of laymen at least, it was confined to first offenders.<sup>45</sup> A great step in advance came in the reign of Elizabeth when it was enacted<sup>46</sup> that any person admitted to benefit of clergy should no longer be delivered to the ordinary but discharged by the

of the reign of Henry VIII. (28 H. VIII., c. 1, s. 7, and 32 H. VIII., c. 3, s. 8) it was provided that those in holy orders should be burnt like laymen and likewise have their privilege only once, but by 1 Edw. VI., c. 12, s. 13, they were restored to their old immunity. By 10 and 11 Will. III., c. 23, burning "in the most visible part of the cheek nearest the nose" was substituted for the thumb; but, by 5 Anne, c. 6, the old practice was resumed and continued till branding was done away with in 1779.

<sup>41</sup> Pike, *House of Lords*, p. 262.

<sup>42</sup> It was in the reign of Henry VIII. that one noble lord declared: "By the body of God, I would sooner see my son hanged than a bookworm. It is a gentleman's calling to be able to blow the horn, to hunt and hawk. He should leave learning to clodhoppers." *Letters and Papers of the Reign of Henry VIII.*, vol. II., pt. 2, no. 3765.

<sup>43</sup> Howell, *State Trials*, XIII. 939-1060.

<sup>44</sup> *Ibid.*, XIX. 1177.

<sup>45</sup> *Middlesex County Records*, I. xxxvi, xxxvii.

<sup>46</sup> 18 Eliz., c. 7, s. 2, 3.

justices, who might, nevertheless, imprison him for any period not exceeding a year.<sup>47</sup> Branding, later as an alternative, continued in use until late in the eighteenth century. Many will remember in *Peveril of the Peak* the remark of the warden of Newgate to Julian Peveril: "Ten to one it will turn out chance medley or manslaughter and then it is but a singed thumb instead of a twisted neck."

A full record survives of the celebrated case of Ben Jonson. He was imprisoned and indicted, September 22, 1598, for slaying one Gabriel Spencer in a duel at Shoreditch. Tried at the Old Bailey in October he pleaded guilty, claimed his clergy, read the neck-verse, and was branded.<sup>48</sup> Another case relating to an obscure man throws a flood of light on the actual working of the system. It is to be found in a petition to the House of Lords, dated 1640, from Osmund Gibbs, yeoman, for relief against John Farwell, a councillor at law and justice of the peace in the county of Somerset, who "having cast a greedy eye upon petitioner's copyhold, endeavoured to become owner thereof by most unconscionable practices". Among other things he indicted him at the assizes

upon a false charge of stealing a tame buck, and procured witnesses to swear that petitioner confessed having stolen it. He was found guilty and put to read for his life. Petitioner desired to read the Psalm of Mercy, but Farwell so incensed the judge against him, that there was not only a clear bar made to prevent promptings, but the judge turned him unto one of the hardest verses to read, which by God's grace he was enabled to do, and so escaped hanging, but was burnt in the hand.<sup>49</sup>

In the reign of William and Mary benefit of clergy was extended to women.<sup>50</sup> Doubtless this influenced the judges in the case of the notorious Duchess of Kingston who was tried for bigamy in 1776 and claimed her privilege. Although they are not expressly named

<sup>47</sup> Pike points out a glaring injustice which the law allowed. "Imprisonment . . . did not apply to Peers, whose trial by the Peers in cases of felony was saved to them by the Act of Edward VI. [1 Edw. VI., c. 12, s. 15]; and a Peer who could or who could not read might still have robbed one church or committed one highway robbery with impunity, though an ignorant peasant would have been hanged." *House of Lords*, p. 263.

<sup>48</sup> *Middlesex County Records*, I. xxxviii-xlii.

<sup>49</sup> Hist. MSS. Comm., *Report* IV., pt. I., p. 37. A later instance will be found in a letter from John Charlton to Lady Granby, November 11, 1703. "You wish to hear", he writes, "an account of Lady Herbert finding her jewels . . . All I know is that one who was her coachman took them from her. She found all in his possession except two diamonds and these she got again from one that had bought them for very little. She found her jewels, tried the man and had him burned in the cheek [see above, p. 553], all in three days." *Ibid.*, XII., app. pt. V., *Rutland Papers*, II. 177.

<sup>50</sup> 3 W. and Mary, c. 9; cf. 21 Jas. I., c. 6. By 4 and 5 Will. III., c. 24, s. 13, it was provided that they should have the privilege but once.

in 1 Edw. VI., c. 12, it was decided that peeresses convicted of clergyable felony should be discharged for the first offense without burning or imprisonment.<sup>51</sup>

As reading ceased to be the monopoly of the clergy, the mischievousness of the exemption came to be more and more pronounced. Sir James Stephen, writing in 1883, remarked: "It is difficult, if not impossible, to say how this system worked in practice. No statistics as to either convictions or executions were kept then, or till long afterwards."<sup>52</sup> However, John Cordy Jeaffreson, the learned editor of the *Middlesex County Records*, the first volume of which was published in 1886, while working from professedly incomplete data, has compiled some figures which give at least an approximate idea of the relative number of persons who claimed their clergy in the late sixteenth and early seventeenth centuries in the county of Middlesex. In the last four years of the reign of Edward VI., 8.54 per cent. out of 117 convicted of capital offenses could read and pleaded their clergy: in the reign of James I. there was an amazing increase to 38.83 per cent. out of 1725 cases. One wishes that Jeaffreson could have carried his computations to the beginning of the eighteenth century when the reading test was abolished. During the reign of James a legal fiction was beginning which was one of a number extensively employed in the following century, namely, the practice of convicting of petty larceny those indicted for grand larceny;<sup>53</sup> out of 1616 persons acquitted of capital felony 21.96 per cent. were convicted of petty larceny on evidence of grand larceny.<sup>54</sup>

At length Parliament came to realize the rank injustice of discriminating between lettered and unlettered criminals, so in the reign of Anne the reading test was taken away, and it was provided that henceforth if any person convicted of a clergyable felony "shall pray to have the benefit of this act he shall not be required to read, but without any reading shall be allowed, taken and reported to be and punished as a clerk convict."<sup>55</sup> At the same time, the judges were given another discretionary punishment—sentence to the house

<sup>51</sup> Thomas Leach, *Cases in Crown Law* (third ed., 1800), I. 173. Blackstone, *Commentaries*, IV. 367. Howell, *State Trials*, XX. 355 ff.

<sup>52</sup> *History of Criminal Law*, I. 467.

<sup>53</sup> Grand larceny was "a felonious and fraudulent taking and carrying away by any person of the mere personal goods of another above the value of 12 *d.* Burn, *Justice of the Peace*, I. x.

<sup>54</sup> *Middlesex County Records*, II. xxxix, 239–314.

<sup>55</sup> 6 Anne, c. 9, s. 4. So it is at least in the *Statutes of the Realm*, the standard edition published by the Record Commission, though the statute is usually cited as 5 Anne, c. 6.

of correction from six months to two years. According to Chitty:

The usual form of granting the benefit of clergy is, for the clerk to ask the prisoner what he has to say why judgment of death should not be pronounced upon him, and then to desire him to fall on his knees, and pray the benefit of the statute; which he does, and the court grants it to him without delay. . . . But it cannot be doubted, that if the prisoner should obstinately refuse to pray it, the court would *ex debito justitiæ* allow it.<sup>56</sup>

For a first offense, then, in the case of felonies, any man or woman could, after 1705, claim benefit of clergy unless the offense was expressly declared non-clergyable by statute.<sup>57</sup> Although the first offender thus escaped death he was branded and liable to imprisonment for one year or to confinement in the workhouse for a period not exceeding two years. The number of felonies at common law was but small. Up to the passage of 6 Anne, c. 9 I have counted about twenty-five statutable felonies involving the death penalty without benefit of clergy. Those who are curious may read them in the statutes cited in the subjoined foot-note,<sup>58</sup> and Stephen<sup>59</sup> enumerates the principal ones. Grouped under general heads the offenses made non-clergyable by these various statutes were: petty treason,<sup>60</sup> piracy, murder, arson, burglary, housebreaking and putting in fear, highway robbery, horse-stealing, stealing from the person above the value of a shilling, rape, and abduction with the intent to marry.

After the abolition of the reading test, various alternatives to

<sup>56</sup> *Criminal Law*, I. 687. It was the opinion of Hawkins, *Pleas of the Crown*, II. 359, that "if the prisoner does not demand it, it seems to be left to the discretion of the judge, whether he will allow it him or not". It came to be so much a matter of course in the eighteenth century that it is only recorded in the *Old Bailey Sessions Papers* in a few exceptional cases.

<sup>57</sup> "All felonies by the common law have the benefit of clergy, therefore where a statute enacts a felony, and says the offender shall *suffer* death, clergy lies notwithstanding, and is never ousted without express words." Coke, *Third Institute*, p. 732, cited by Burn, *Justice of the Peace*, I. xxvi.

<sup>58</sup> 3 Hen. VII., c. 2 (cf. 39 Eliz., c. 9, and 1 Geo. IV., c. 15); 12 Hen. VII., c. 7; 4 Hen. VIII., c. 2; 22 Hen. VIII. (cf. 6 Geo. II., c. 37, s. 5, and 42 Geo. III., c. 32); 23 Hen. VIII., c. 1, ss. 3, 4 (cf. 1 Edw. VI., c. 12, s. 10, and 12 Anne, c. 7); 25 Hen. VIII., cc. 6, 15 (cf. 1 Mary, st. 1, c. 1, s. 3, and 5 Eliz., c. 17); 32 Hen. VIII., c. 3; 4 and 5 Ph. and M., c. 4; 1 Edw. VI., c. 12, ss. 9, 10; 2 and 3 Edw. VI., cc. 29, 33; 5 and 6 Edw. VI., cc. 9, 10; 5 Eliz., c. 16; 8 Eliz., c. 4; 39 Eliz., c. 15; 43 Eliz., c. 13; 1 Jas. I., cc. 1, 8; 18 Chas. II., c. 3; 22 Chas. II., cc. 1, 5; 3 W. and M., c. 9 (cf. 6 and 7 Will. III., c. 14, s. 1); 10 and 11 Will. III., c. 12 (cf. 1 Geo. IV., c. 117); 1 Anne, st. 2, c. 9. Burn, *Justice of the Peace*, who has the various offenses grouped under alphabetical heads, *e. g.*, larceny, is of invaluable assistance in using the statutes.

<sup>59</sup> *Criminal Law*, I. 465-467.

<sup>60</sup> High treason, as was seen above, had always been excluded from benefit of clergy.



branding, imprisonment, or the workhouse were provided for those to whom clergy was allowed. Thus by the statutes 4 Geo. I., c. 11, and 6 Geo. I., c. 23, it was enacted that where any persons have been convicted of grand and petty larceny or any form of stealing within clergy, the court in their discretion, instead of burning in the hand or whipping,<sup>61</sup> may direct such offenders to be transported to America. This punishment might also be applied to those convicted of non-clergyable felonies to whom the king might be pleased to issue a conditional pardon.<sup>62</sup> In all cases, however, it was provided that convicts who returned or who were found at large before the expiration of their term should be guilty of felony without benefit of the clergy.<sup>63</sup> The statute 19 Geo. III. provided in lieu of transportation to America "any parts beyond the seas".

Transportation, first tried during the Restoration period, was not generally employed till 1718. From that date until the outbreak of the American Revolution it continued to be the commonest substitute for the death penalty, imprisonment being ordinarily reserved for those held for trial, and for debtors. In view of the horrible conditions prevailing in the prisons, transportation was, from the standpoint of the culprits, a happy substitute. After the American colonies were closed to English convicts, the jails proving inadequate, those formerly sent beyond the seas were set to work on the navigation of the Thames or confined in convict hulks.<sup>64</sup> In 1787 a penal colony was established at Botany Bay and transportation to Australia continued for seventy years. At first the convicts were useful in developing the resources of the new country, but the system gradually became intolerable and it was eventually abandoned in 1857.<sup>65</sup>

Thus, while after the abolition of the reading test any first offender might, in the case of a clergyable felony, escape the death

<sup>61</sup> Since peers were not liable to be burnt in the hand their privilege remained unaffected by such acts as 4 and 6 Geo. I. Pike, *House of Lords*, p. 263.

<sup>62</sup> See Blackstone, *Commentaries*, IV. 371. Cf. 56 Geo. II., c. 27, offenders convicted of crimes excluded from clergy, to whom the king shall extend mercy on condition of transportation beyond the seas, may be ordered to be transported according to such conditions.

<sup>63</sup> 6 Geo. I., c. 23; 16 Geo. II., c. 15; 8 Geo. III., c. 15.

<sup>64</sup> This is provided for by 19 Geo. III., c. 74. There are a number of sentences "to the navigation" in the *Old Bailey Sessions Papers* during the later seventies.

<sup>65</sup> Meantime, 53 Geo. III., c. 162, provided for imprisonment at hard labor, simply and alone, or in conjunction with other penalties, and 56 Geo. III., c. 63, enacts that convicts sentenced to transportation may be confined in the general penitentiary at Millbank. For transportation see Lecky, *England*, VII. 325-327, and Walpole, *England*, I. 170-171; IV. 410-415; VI. 350, 370-375.

penalty, there was ample provision for his punishment, branding,<sup>66</sup> whipping, imprisonment, confinement in the workhouse, transportation, employment on the navigation, and forfeiture. Not infrequently more than one of these penalties was imposed. Moreover, the fact that so many of those sentenced to death escaped execution ceases to be so striking when it is remembered that numbers were pardoned conditionally, which meant transportation.<sup>67</sup>

Judged by the statutes alone, the offender's chances of escaping death grew darker and darker during the century which followed the abolition of the reading test; for in that very period when Parliament was providing alternative penalties for clergyable felonies it was passing scores of acts creating felonies without benefit of clergy. An actual study of the statutes and of Burn's invaluable *Justice of the Peace*—where offenses are arranged under alphabetical heads

<sup>66</sup> Wife-murderers where there were extenuating circumstances were very generally convicted of manslaughter and branded, the usual penalty for any form of the latter offense. One curious case is that of John Wright, who was sentenced to be branded for wounding his wife after she had "abused him very much in language". (*Old Bailey Sessions Papers*, no. 373, July, 1749.) Finally, however, by 19 Geo. III., c. 74, it was enacted that instead of branding the court might, in all clergyable felonies, impose a fine or (except in the case of manslaughter) order the offender to be publicly or privately whipped. As in the case of branding, the offender so fined or whipped might be liable to subsequent imprisonment. With the passage of this act branding practically ceased. However, by 3 Geo. IV., c. 38, s. 1, after reciting that the punishment of burning in the hand had long been deemed ineffective and inexpedient, it was further enacted that persons convicted of manslaughter might be transported and imprisoned for three years or fined, at the discretion of the court.

<sup>67</sup> According to the following letter, written by George III., in 1776, the king regarded the issuing of pardons as a serious matter. He writes: "My dear Lord, I hope you are too well acquainted with the feelings of my heart to doubt in the least the pleasure I feel, when I can with propriety save the life of any miserable wretch, but I must not let myself from sensations that ought ever to reside in the breast of man, to fall into a most improper evil, the preventing the execution of the laws without some real ground for the interposition of the most agreeable feather of the prerogative of the Crown. Burglaries daily encrease, they are the most alarming of all robberies; these, and highway robberies call at present very strongly for a very exact execution of the laws, and the sending a reprieve within a couple of hours of the time of execution is never done but on some strong appearance of some new point from whence perhaps the innocence of the prisoner can be presumed. I therefore must decline preventing the law to take its course." Hist. MSS. Comm., *Rept. XI.*, pt. V., *Dartmouth MSS.*, p. 441. This contradicts the statement of Besant, *London*, p. 505. "Conditional pardons were recognized by . . . (31 Chas. 2, c. 2, ss. 13, 14), and used to be granted by the king through the Secretary of State upon the recommendation of the Judges of Assize . . . it was enacted in 1768 (8 Geo. 3, c. 15) in substance that Judges of Assize should have power to order persons convicted of crimes without the benefit of clergy to be transported for any term they thought proper, or for fourteen years if no term was specially mentioned." Stephen, *Criminal Law*, I. 471.

such as arson, forgery, larceny, riot, smuggling, and so on—will show that neither Blackstone nor Mackintosh exaggerated when they stated that there were 160 and 200 capital non-clergyable felonies in 1769 and 1819 respectively. On the other hand, Stephen has observed very wisely

that the number of capital offenses on the statute book is no test of its severity. A few general enactments may be much more severe than a great number of special ones. A general enactment that grand larceny should be excluded from benefit of clergy would have been infinitely more severe than fifty acts excluding the stealing of fifty sorts of things from benefit of clergy. . . . Moreover, the 160 offenses mentioned by Blackstone might probably be reduced by careful classification to a comparatively small number.

As an instance Stephen cites the celebrated Black Act of 1722 (9 Geo. I., c. 27) which "creates fifty-four capital offences, for it forbids three classes of persons to do any one of eighteen acts".<sup>68</sup> Assuming the number of offenses to be eighteen and proceeding equally conservatively in other cases I have counted 148 capital non-clergyable felonies created by statute during the eighteenth and early nineteenth centuries. Adding the twenty-five in existence before 1705, the number is not far from that estimated by Mackintosh. Among them are fourteen kinds of arson, thirty-five specified forgeries, eighteen offenses relating to stealing or destroying linen cloth or yarn, silk, wool or woollen cloth, or the machinery used in their manufacture, and five having to do with threatening letters.<sup>69</sup> Some were called forth by very special circumstances, for example an act of 9 Anne making an attempt on the life of a privy councillor in the execution of his office a felony without clergy, and another (56 Geo. III., c. 22) enacting the same offense for persons rescuing or aiding in the escape of Bonaparte. So much for the code.

In order to see how it worked in actual practice I have examined in considerable detail the records of oyer and terminer and gaol deliveries at the Old Bailey. Selecting more or less at random—in order to avoid prejudice—during the century from 1729 when the fine set of *Old Bailey Sessions Papers* in the Harvard Law School Library begins, I have presented at least one year's cases in each decade. The result is shown in the following table.<sup>70</sup>

<sup>68</sup> *Ibid.*, pp. 470, 471. The act is treated in detail by Burn, *Justice of the Peace*, I. 297–298.

<sup>69</sup> Burn requires more than fifty pages to treat in full all the statutes relating to larceny. *Justice of the Peace*, II. 175–228.

<sup>70</sup> There were eight sessions of the court each year, from December to October.

	Tried	Sentenced to death	Transported	Branded	Whipped	Imprisoned	Navigation	Fined	Pilloried	Per cent. convicted
1729-1730	541	48	219	29	24	4		(4) <sup>71</sup>	(3)	60+
1730-1731	501	51	271	28	21	5		(5)	(2)	74
1731-1732	554	70	209	7	6	6		(6)	(2)	55
1732-1733	559	52	248	26	4	9		(6)	(2)	61
1748-1749	670	61	255	21	61					59+
1749-1750	670	84	258	17	36	2(7)		(1)	(2)	59+
1760-1761	284 <sup>72</sup>	22	155	21	17	3(1)		(1)	(2)	76
1769-1770	704	89	266	27	25	1(2)				58
1778-1779	517	56		60 <sup>73</sup>	49	12 <sup>74</sup>	45 <sup>75</sup>	14		57
1802-1803	846	88	203		99	10(75)		3		59-

The average number convicted in the years included in the above table was 62 per cent. In 1818-1819, 1548 were tried at the Old Bailey Sessions, of whom 1094 were convicted or 70 per cent. Taking the statistics of trials and convictions cited above, page 547, which by the way, apply to the whole of England and not merely to the London central criminal court at the Old Bailey—the percentages for 1805, 1810, 1815, and 1819 respectively are 60, 61, 63, 66. The conclusions to be drawn from these figures are that there was a very fair average of convictions, and that, as crime begins to increase in the early years of the nineteenth century, the percentage of convictions tends to increase rather than to diminish.

The *Old Bailey Sessions Papers* show that a goodly proportion of the acquittals was from a genuine insufficiency of evidence, not infrequently where drunken night prowlers, usually sailors or men of fashion, accuse women of the town of stealing their money and valuables. The grossest cases of acquittal in the teeth of evidence seem to be those of men accused of committing rape upon children. Horse, cattle, and sheep stealers<sup>76</sup> were generally sentenced to death

<sup>71</sup> Numbers in parentheses indicate more than one punishment, *e. g.*, fine and imprisonment.

<sup>72</sup> The small number of those tried in this year was due to the war. Many convicts were enlisted in the army and navy.

<sup>73</sup> In this year branding practically ceased; see above, p. 558.

<sup>74</sup> Many of those branded and whipped were also imprisoned.

<sup>75</sup> After the outbreak of the American Revolution this form of punishment came to be employed.

<sup>76</sup> For example, John Collison and George Aldridge were sentenced to death for stealing a gelding and a mare. *Old Bailey Sessions Papers*, September, 1749, nos. 498, 499. While horse-stealing had been a non-clergyable felony since 1 Edw. VI., c. 12 (*cf.* 2 and 3 Edw. VI., c. 33), cattle and sheep stealing were not included in the same category till 14 Geo. II., c. 6, and 15 Geo. II., c. 34. A letter from Sir Thomas Parker, C.J., to the Earl of Dartmouth gives a statement of the case of William Partridge, "and is of opinion that he is not a proper subject of mercy". Partridge had formerly committed a felony and had been burnt in the hand. Since then he and another had made it their business to

with scant consideration, and so were forgers, for there was no way of bringing them within clergy, though they were sometimes acquitted on a technicality.<sup>77</sup> Highway robbers almost invariably got their just deserts,<sup>78</sup> while considerable leniency was shown to those charged with housebreaking and larceny from the person. The law on the subject was as follows. Burglary, which consisted in breaking and entering a dwelling-house by night with felonious intent, was, by the common law, a clergyable felony. However, by 1 Edw. VI., c. 12, and 18 Eliz., c. 7, clergy was taken away from the principals and, by 3 and 4 W. and M., c. 9, from abettors and accessories before the fact. Other statutes took away clergy from stealing or larceny of the following amounts: over 12 pence from a dwelling-house, even in the daytime, if there was breaking and if any person was therein; without breaking if any person was therein and put in fear, 3 and 4 W. and M., c. 9; over 5 shillings, for breaking any dwelling-house, out-house, shop, or warehouse in the daytime although no person was therein, 39 Eliz., c. 15, privately stealing from any shop, by day or night, even if the same was not broken into and even if no person was therein, 10 and 11 Will. III., steal cows in Essex and sell them in Hertfordshire, for which they were now convicted. Hist. MSS. Comm., *Rept.* XI., pt. V., *Dartmouth MSS.*, p. 316. Stephen remarks, *Criminal Law*, I. 469, note 3: "it is curious that pigs have never met with any special recognition or protection from the law"; but, in the case of one Sara Chapple pigs were included within the meaning of the Black Act. Burn, *Justice of the Peace*, I. 447.

<sup>77</sup> In the case of *Rex v. Judd*, who was committed for setting fire to a parcel of unthreshed wheat, the court were of the opinion that, "as the statute only made it felony to set fire to a cock, mow, or stack of corn, the commitment did not charge the defendant with a felony; and he was therefore committed to bail", Burn, I. 416. *The London Times* (weekly ed.), April 21, 1916, p. 302, cites two cases from the Southampton quarter sessions; one, an inquisition for murder (1827), was quashed because it stated "the jury on their oath present" instead of "oaths"; in the other, a man charged with stealing a brace of partridges from the rack of a railway carriage got off because the partridges were not described as dead! There was some reason, however, for this second ruling. "Larceny cannot be committed of such animals in which there is no property either absolute or qualified, as of beasts that are *ferae naturae* and unreclaimed, such as . . . wild fowls at their natural liberty. But if they are reclaimed or confined, and may serve for food, it is otherwise . . . larceny may be committed." Blackstone, *Commentaries*, IV. 235. See, also, Burn, *Justice of the Peace*, II. 209.

<sup>78</sup> There were however rare exceptions, *e. g.*, James Slade and William Cane, indicted for assaulting and robbing Joseph Steel of a hat valued at 3 s. (*Old Bailey Sessions Papers*, January, 1748, nos. 99, 100), and Abraham Mopps, indicted with three other persons not found for an assault on Samuel Lee on the king's highway and stealing one silk handkerchief, a steel watch, and two steel seals (*ibid.*, July, 1748, no. 371). In each case they were found guilty of the felony but not of robbery, but they were not exaggerated cases. Cane, and apparently the others, were transported.

c. 23; over 40 shillings, from a dwelling-house, although there was no breaking and no person therein, 12 Anne, st. 1, c. 7. Privately stealing from the person, unaccompanied by violence, was a non-capital felony, provided the amount was under 12 pence, carrying with it the common law penalty of whipping or, by 4 Geo. I., c. 11, transportation. The sum was absurdly small and dates from ancient times when coined money was scarce and went a long way.<sup>79</sup>

A few actual examples might be cited to see how the juries—obviously instructed by the judges, for they could not of themselves have known the intricacies of the law—dealt with the cases before them. In December, 1730, Stephen Gay was tried for breaking the house of William Roberts in the night and taking a bag, value one penny, a gold ring, a moidore, 11 guineas and 35 shillings in money, the property of John Bonny. The verdict was “guilty of felony but not of burglary”. There may have been doubt as to the breaking or whether the offense was committed in the night-time; but it was clear that the property was worth over 40 shillings so that, according to law, he was liable to death without benefit of clergy.<sup>80</sup> Another case is that of John Hatt, indicted for breaking and entering the residence of the Countess of Pembroke and stealing goods valued at £3 9s. The verdict was guilty of 39 shillings, not breaking the house, and Hatt was transported seven years.<sup>81</sup> In such a case there might be a profound difference of opinion between a jury and the owner as to the value of the second-hand garments stolen. As a rule, however, as in the case just preceding, there was little doubt that the valuation at 39 shillings was made in flat contradiction of the facts to bring the offender within his clergy.<sup>82</sup> The assumption was too transparent to call it perjury.

In some cases there is a curious discrimination in sentences: for example, John Nicholas and Edward Hammond were indicted for entering the dwelling-house of Robert Russel and stealing out thence two pewter dishes, value 5 shillings, six plates, value 3 shillings, one pewter cullinder, value 6 pence, one gallon pot, value 2

<sup>79</sup> Blackstone, *Commentaries*, IV. 239 ff., discusses these laws in some detail.

<sup>80</sup> *Old Bailey Sessions Papers*, December, 1730. In the earlier volumes the cases are not numbered.

<sup>81</sup> *Ibid.*, June, 1748, no. 105.

<sup>82</sup> Cf. the following cases, Thomas Griffice, indicted for breaking the dwelling-house of Joseph Taper and stealing one cloth coat, value 50 s., one guinea and 21 s. in money, guilty of felony 39 s. but acquitted of the burglary, transported for seven years. *Ibid.*, January, 1748, no. 154. Benjamin MacMahone, a painter, stole gold ornaments, etc., value £10 and upward, from Diana West, daughter of Lord Delaware, from his dwelling-house. The accused asked to be transported. Lord Delaware agreed. He was found guilty, 39 s. *Ibid.*, December, 1749, no. 2.



shillings, two quart pots, value 1 shilling, and other things, his property. Both were found "guilty of felony only"; but Nicholas was burnt in the hand while Hammond was transported for seven years.<sup>83</sup> In this and many other instances the absence of the ground for discrimination may be due to the meagreness of the report. John Phillips, tried for stealing clothes estimated to be worth 61 shillings, was declared by the jury to have stolen 4 shillings 10 pence and so escaped death, whereas if the property had been admitted to be worth 5 shillings the offense would have been non-clergyable.<sup>84</sup> On the other hand, Thomas Beck was sentenced to death for stealing one handkerchief valued at 1 shilling and a cap, 8 pence.<sup>85</sup> This was grand larceny, and Beck, too, was very likely an old offender. There are numberless instances where the value of property usually taken from the person was estimated at 10 pence to bring the offense under the head of petty larceny.<sup>86</sup>

Many sentences where the culprit escaped death were peculiarly heavy, for example Edward Evans and George Potts were transported for seven years for stealing a pound and a quarter of ginger valued at 12 pence.<sup>87</sup> There are some quaint cases, for example William Lawrence was sentenced to death for enlisting John Davidson, alias David Birk, a six-foot man, for the service of the King of Prussia.<sup>88</sup> Frederick William's passion for tall grenadiers was very trying to various European countries. Another is that of John Leminghau, spelt Lemingham in the index, who was indicted for stealing from a book-shop a *Collection of all the Statutes now in Use*, value 4 shillings. His father, a Russian imperial chaplain who had left him in England to pursue his education, must have been

<sup>83</sup> *Ibid.*, January, 1749, nos. 125, 136, and index. In the January sessions, 1748, there are two cases where persons stealing silver tankards valued at £7 and £8 respectively were found guilty of felony, the former culprit being burnt in the hand, the latter transported for seven years (*ibid.*, nos. 121, 133, and index), while in the following February one John Raven, possibly not a first offender, though it does not appear in the record, was sentenced to death for the theft of a tankard valued at £5 (*ibid.*, no. 162).

<sup>84</sup> *Ibid.*, January, 1748, no. 92; cf. the case of Susannah Bailey, indicted for stealing seven linen caps, value 2 s., two muslin handkerchiefs, value 3 s., one pair of linen sleeves, value 3 s., two muslin stocks, six linen shirts, one linen shift, three towels, one flannel petticoat, the goods of John Smith in the dwelling of the said John Smith, guilty, 4s. 10 d., *ibid.*, September, 1749, no. 507.

<sup>85</sup> *Ibid.*, February, 1732.

<sup>86</sup> *E. g.*, Richard Jones, indicted for stealing a live dove and a bird cage, value 1 s., guilty 10 d. and transported for seven years, *ibid.*, January, 1748, no. 111, and Hannah Wilmot, indicted for stealing goods of the estimated value of 21 s., verdict 10 d., sentence, whipping, *ibid.*, no. 141.

<sup>87</sup> *Ibid.*, October, 1749, nos. 617, 618.

<sup>88</sup> *Ibid.*, April, 1738.

astounded at his son's zeal for learning. Sir J. F. Barrie rewarded John Shand with a wife and a parliamentary career for a somewhat similar offense; but poor Leminghau was privately whipped.<sup>89</sup>

We are fortunate in having a fairly complete record of a man who successfully pleaded his clergy once and was caught in an attempt to plead it a second time. In the *Old Bailey Sessions Papers* for September, 1749, Robert Davie and Richard Parker, lightermen, were indicted for stealing nine elephant's teeth weighing 450 pounds and valued at £40. Both were found guilty, but judgment was respited, and in the October sessions,

Davie was brought to the bar and asked what he had to say for himself. He desired that he might have benefit of clergy. He was told by the court that he had had it once before, and that there was a statute-law in this realm which forbids a person to have it a second time. To prove which, the record of his conviction was read for stealing, 30 April, in the twelfth year of his present Majesty (1739), sixty pounds weight of tobacco, value 40 shillings . . . tried at Justice Hall in the Old Bailey, Wednesday, 2 May, brought in guilty, 4s 10d, and that he then prayed for the benefit in such case made and provided, therefore he was transported for the term of seven years, this being a clergyable felony. Now on the testimony of witnesses who testified against his denial that he was the same person the jury found the issue for the King, that the prisoner was the same person. Accordingly he was sentenced to death.<sup>90</sup>

Eventually, the persistent efforts of Sir Samuel Romilly and Sir James Mackintosh to reform the bloodthirsty criminal code prevailed. Sir Robert Peel, before he resigned the office of Home Secretary in November, 1830, had reduced the number of capital penalties to about a score. As a consequence, benefit of clergy, which had practically served its turn in mitigating the terrors of the law, was done away with in 1827,<sup>91</sup> with the provision, however, "that no one convicted of felony should suffer death unless for felonies excluded from benefit of clergy, or made punishable by

<sup>89</sup> "There was a messenger came from the Russian Ambassador to assure the court that if his crime would admit of corporal punishment the Ambassador would order him a safe passage to Russia." *Old Bailey Sessions Papers*, January, 1749, no. 148.

<sup>90</sup> *Ibid.*, nos. 577, 661.

<sup>91</sup> 7 and 8 Geo. IV., c. 28, s. 6. As no reference was made to the act of Edw. VI. conferring the privilege on Lords of Parliament and Peers, there was doubt whether that remained. When Lord Cardigan—subsequently famous as the leader of the charge of the Light Brigade—was tried for felony in 1841 because of a duel with Captain Tuckett, it was alleged that he was to claim the benefit. Consequently, the statute was repealed (4 and 5 Vict., c. 22) and it was further enacted "that every Lord of Parliament or Peer against whom an indictment for felony might be found, should plead to it, and should, upon conviction, be liable to the same punishment as any other of Her Majesty's subjects". Pike, *House of Lords*, p. 263; Walpole, *England*, IV. 437-439.

death by some statute subsequently passed". Proper substitute punishments were provided.<sup>92</sup> By successive acts, passed at intervals during the next generation, capital penalties were steadily reduced, until after the consolidation acts of 1861,<sup>93</sup> the only offenses punishable by death were four, *i. e.*, treason, murder, piracy with violence, and setting fire to arsenals and dockyards.<sup>94</sup>

Sir James Fitzjames Stephen, for reasons worthy of serious consideration, expresses the opinion that "we have gone too far" in laying aside the punishment of death, and "that it ought to be inflicted in many cases not at present capital".<sup>95</sup> Be that as it may, no one would now defend the old barbarous system.<sup>96</sup> Nevertheless, in spite of ferocious laws and a certain number of capricious and disproportionate sentences, a fair degree of substantial justice was administered in the courts. Those who escaped capital punishment, if the evidence proved them guilty, were reasonably certain to receive some lighter sentence, and the prevalence and increase of crime was due in all probability to other causes than the excessive rigor of the code. That the system proved as workable as it did was due in no small degree to ingenious applications of that queer old exemption, benefit of clergy, so strangely distorted from its original purpose.

ARTHUR LYON CROSS.

<sup>92</sup> Stephen, *Criminal Law*, I. 472, and ss. 7 and 9 of the act.

<sup>93</sup> 24 and 25 Vict., ss. 96-100.

<sup>94</sup> Stephen, *Criminal Law*, I. 473-475.

<sup>95</sup> *Ibid.*, I. 478.

<sup>96</sup> For the arguments of Paley and Eldon to the contrary see Lecky, *England*, VII. 321, and Walpole, *England*, I. 169.

## THE STATES' RIGHTS DOCTRINE AND THE TREATY- MAKING POWER

THE possibility that the United States may have to face again a situation such as that which arose when the government of Japan protested at Washington against impending state legislation for limiting the right of Japanese aliens to hold land, gives renewed and added interest to the history of earlier contests over the authority of the federal government to regulate this matter by treaty. Certain aspects of the subject have been discussed recently in several monographs upon the relation between the treaty-making powers of the United States and the reserved powers of the several states, in which much emphasis has been placed upon decisions of the Supreme Court in cases arising under treaties governing the inheritance, possession, and disposal of real property by aliens.<sup>1</sup> But comparatively little has been said about the circumstances under which these treaties were made; and I believe that the history of their negotiation and ratification, particularly those concluded before 1860, may be a valuable complement to what has been written about their ultimate construction and application. In concluding them the presidents and the Senate actually interpreted the treaty-making clause of the Constitution, and their interpretation possessed an authority exceeded only by that of the Supreme Court. During the thirty years preceding the Civil War this interpretation was deflected from the nationalist to the states' rights position in an ever-increasing degree. The Senate, particularly, stood forth in its appointed place as the protector of the sovereign states, and went far toward recognizing the existence of wide powers effectively reserved by them from the treaty-making authority of the federal government. Thus, although a number of these treaties have been construed and applied since 1860 by judges whose decisions reflect the spirit of nationalism that has prevailed during the last generation, yet they actually were made by statesmen who lived and worked in a different political atmosphere and who were in the gravest doubt about their constitutional authority to do what they since have been declared to

<sup>1</sup> Burr, *The Treaty-Making Power of the United States and the Methods of its Enforcement as affecting the Police Powers of the States* (Philadelphia, 1912), sec. IV.; Corwin, *National Supremacy* (New York, 1913), ch. IV., V., VI., *passim*; Tucker, *Limitations on the Treaty-Making Power under the Constitution of the United States* (Boston, 1915), ch. VI.

have done. Their history affords a new illustration of the constitutional elasticity of the American government, and at the same time may throw some additional light upon one of the most interesting and important of our current political problems.

Between 1778 and 1860 the United States became a party to forty-four treaties containing articles governing the acquisition and disposal of real property, situated within its boundaries, by aliens, citizens of the other signatories, and vice versa.<sup>2</sup> The regulation of this subject by treaty was desirable because the municipal law of European countries either confiscated the real and personal property of a deceased foreigner to the exclusion of his heirs, or subjected it to a heavy succession tax,<sup>3</sup> while the laws of the American states placed aliens in a somewhat similar position in regard to real estate. Thus, although the removal of these disabilities by treaty was for the general welfare, it involved the possibility of a conflict between federal and state authority; and the provisions of the treaties actually made are, to some extent, an index to the views held by the presidents and the Senate upon the relation between the right of each state exclusively to control by its own laws the descent and disposition of land, and the power of the federal government to regulate the same subject by treaty. In eight treaties aliens are guaranteed the right to inherit and to possess real estate as well as personal property on an equality with citizens.<sup>4</sup> The remaining

<sup>2</sup> A discussion of the more important of these treaties will be found in Moore, *International Law Digest* (Washington, 1906), V. 175-179; see also Davis, "Notes upon Foreign Treaties of the United States", in *Treaties and Conventions concluded between the United States and Other Powers* (Washington, 1889), pp. 1237-1241.

<sup>3</sup> Davis, "Notes upon Foreign Treaties", p. 1241.

<sup>4</sup> Stipulations of this sort are found in treaties with France, 1778; the Netherlands, 1782; Sweden, 1783; Great Britain, 1794; New Granada, 1846; Salvador, 1850; the Argentine Republic, 1853; the Two Sicilies, 1855. *Treaties and Conventions between the United States of America and Other Powers* (Washington, 1909), I. 23, 203, 471, 597; II. 1235, 1540, 1727, 1817 (cited hereafter as *Treaties and Conventions*). None of these agreements provides that the heir must sell the property, or may do so, within a certain time, or at any time. In cases arising under some of the earlier ones this was construed to mean that he might hold it permanently: *Fairfax v. Hunter* (1813), 7 Cranch 603; *Chirac v. Chirac* (1817), 2 Wheaton 259; *Carneal v. Banks* (1825), 10 Wheaton 181. It seems to me questionable, however, whether the treaties with the Netherlands and Sweden actually apply to real estate. In an opinion given in 1819 to the Secretary of State, Attorney-General Wirt stated that, "The sixth article of the old treaty of amity and commerce between the United States and Sweden is understood as applying to personal property only". 1 *Opinions of Attorneys General* 275. Both this treaty and the agreement with the Netherlands provide that there shall be reciprocal equality between aliens and citizens in the disposition of "goods and effects". Evidently the Attorney-General believed that these terms did not include real

treaties do not put aliens on an equality with citizens, but provide that where they are disqualified for the inheritance of real estate they shall be allowed to sell the same and to withdraw the proceeds, without molestation or detraction, within a given period. The time specified varies in the different treaties, as follows: a reasonable time; the time fixed by the laws of the country, or in case the laws actually in force may not have fixed any such time, then a reasonable time; three years; two years, with a reasonable extension; such term as the laws of the state will permit; the longest period allowed by the law.<sup>5</sup> The consular convention of 1853 with France puts

estate. The question never was judicially decided. Corwin cites both treaties, without qualification, as applying to real property. *National Supremacy*, p. 61. The provision in the Jay Treaty applies only to "British subjects who now hold lands in the territories of the United States", and vice versa. In that with the Two Sicilies the right given is qualified by the provision that the alien heir "shall succeed to his personal property, and either to his real estate or to the proceeds thereof".

The convention of 1800 with France has been classed with the other treaties mentioned as belonging to this group. Article VII., however, renews the stipulations of article XI. of the treaty of 1778 only with a proviso that makes the right to hold property wholly dependent upon state law. The reservation could hardly be expressed more clearly than in the words used, "It is agreed . . . that in case the laws of either of the two States should restrain strangers from the exercise of the rights of property with respect to real estate, such real property may be sold, or otherwise disposed of, to citizens . . . of the country where it may be, and the other nation shall be at liberty to enact similar laws." *Treaties and Conventions*, I. 499. Corwin says, "The Treaty of 1778 with France was terminated by the brief hostilities of 1798, but the stipulations of Article XI. of that treaty were renewed in Article VII. of the temporary Convention of 1800, 'the most expressive of all precedents, it having passed through the hands, and received the approbation, of John Adams, John Marshall, Oliver Ellsworth, Thomas Jefferson, and James Madison, who, if anybody, should have understood the Constitution'." *National Supremacy*, pp. 78-79. The quotation is from Caleb Cushing, 8 *Opinions of Attorneys General* 415-416 (1857).

<sup>5</sup> Treaties with Prussia (1785, 1799, 1828), Spain (1795), Sardinia (1838), Hanover (1840, 1846), the Hawaiian Islands (1849) allow a reasonable time. *Treaties and Conventions*, I. 889, 895, 911; II. 1608, 1480, 1489, 1500, 1644. Those with Russia (1832) and Portugal (1840) allow the time fixed by the laws of the country, or in case the laws actually in force may not have fixed any such time, then a reasonable time. *Ibid.*, II. 1457, 1518. Those with Colombia (1824), Central America (1825), the Hanseatic Republics (1827), Chile (1832), Switzerland (1847), Guatemala (1849), Venezuela (1836), Peru-Bolivia (1836), Ecuador (1839) allow three years. *Ibid.*, I. 163, 174, 295, 424, 864, 903; II. 1377, 1763, 1834. In the last three treaties named the states seem to have been left free to levy any detraction they might choose by the provision that the proceeds of the sale of property might be withdrawn, "without molestation, nor any other charges than those which are imposed by the laws of the country". The conventions with Hesse (1844), Württemberg (1844), Saxony (1845), Bavaria (1845), Nassau (1846), and Austria-Hungary (1848) allow two years with a reasonable extension. *Ibid.*, I. 34, 57, 947; II. 1231, 1610, 1893. Those with Switzerland (1850), and



Frenchmen on an equality with Americans in regard to both the possession and disposition of real and personal property under certain conditions, which will be discussed below.

Diversity is, perhaps, the most striking characteristic of this entire group of regulations. At one extreme are found those which ignore the existence of state laws governing the inheritance and disposal of land by aliens; at the other those which make foreigners wholly dependent upon such laws for rights of any sort in real property. Between these extremes state authority is recognized in almost every possible degree. And while there is no steady and uniform development from one type to the other, this recognition is much more frequent and complete at the end than at the beginning of the period. The conclusion is that in these, as in many other affairs of state, action was determined neither wholly by a constitutional theory, nor entirely by the political exigencies of the moment: for while the executive and the Senate never adopted and consistently followed any definite policy upon the question of the power of the federal government to regulate by treaty the inheritance and disposal of real property, yet in the formulation of particular treaties they recognized more and more the exclusive nature of the rights of the states. The absence of a consistent policy upon such treaties may, perhaps, be attributed in part to fluctuating and sharply divided feeling on the question. Probably to a greater degree it is to be explained by the indifference of the Senate toward a function more or less routine, and the existence of a strong presumption in favor of the ratification in unmodified form of all treaties sent in by the President. Amendment was the difficult course; it would occur only in exceptional cases and as the result of unusual effort by those desiring change. Not only may this help to explain the absence of a fixed policy, but it furnishes reasonable grounds for attaching greater significance to the amendment or rejection of some agreements not in accord with the states' rights position, than to acquiescence in others of the same sort.

During the first forty-five years under the Constitution the presidents and the Senate seem to have been in agreement upon the constitutional question under discussion, for not until 1835 did the latter either amend or reject any treaty provision regulating the inheritance and disposal of real property. Such harmony did not exist, however, between the treaty-making power and the courts. In the early part of this period the Supreme Court repeatedly ruled that

*Brunswick and Lüneburg* (1854) allow such term as the laws of the state will permit. *Ibid.*, I. 157; II. 1766. That with *Bolivia* (1858) fixes the term as the longest period allowed by the law. *Ibid.*, I. 117.

the United States did possess authority to put aliens on a common footing with citizens in regard to real estate. In a series of cases arising under the treaties of 1778 and 1800 with France, and of 1794 with Great Britain, Marshall and his colleagues upheld the validity both of the pre-constitutional agreements and of those concluded under the new government, even when the former granted to aliens the right to inherit land and hold it permanently.<sup>6</sup>

This position is quite in harmony with the general character of the court under the great Chief Justice. The presidents and the Senate, however, did not follow the lead so clearly given by the Federalist bench. Instead they proceeded in the opposite direction, for with the exception of the Jay Treaty no agreement was made during these years which granted to aliens the right to hold real estate. On the contrary, when the old guarantee in the treaty of 1778 with France was renewed in the convention of 1800 it was with explicit recognition of the right of each state to prohibit what had been granted before without reservation, and all of the other agreements of the period contain a similar recognition in one form or another. There seems here to have been a distinct divergence between the opinion of the Supreme Court on the constitutional question and the practice of that part of the government charged with making treaties.<sup>7</sup>

The underlying cause of this divergence is to be found in the theory of state sovereignty and states' rights which, during the first half of the century, became one of the dominant forces in the life

<sup>6</sup> *Fairfax v. Hunter* (1813), 7 Cranch 603; *Chirac v. Chirac* (1817), 2 Wheaton 259; *Craig v. Radford* (1818), 3 Wheaton 594; *Orr v. Hodgson* (1819), 4 Wheaton 453; *Hughes v. Edwards* (1824), 9 Wheaton 489; *Carneal v. Banks* (1825), 10 Wheaton 181. In *Carneal v. Banks*, for instance, the court declared, "The alleged alienage of Lacassaign constitutes no objection [to the validity of the title]. Had the fact been proved, this court decided, in the case of *Chirac v. Chirac* (reported in 2 Wheat. Rep., 259), that the treaty of 1778, between the United States and France, secures to the citizens and subjects of either power the privilege of holding lands in the territory of the other." 10 Wheaton 189.

<sup>7</sup> The growing opposition to the position of Marshall and his associates is nowhere more clearly expressed than in an opinion given to the Secretary of State in 1819 by Attorney-General William Wirt, who stated that, "an alien can, in the United States, inherit, with the faculty of carrying away and alienating, every species of *personal* property, without being liable to any *jus detractus*. But he cannot inherit real or fast property at all: nor is there any power in the general government, as I conceive, to alter, either by law or treaty, the provisions of the particular States in this respect." 1 *Opinions of Attorneys General* 275. On the other hand, in 1831 Edward Livingston, secretary of state, informed the Russian chargé d'affaires that the power in question did appertain to the federal government. Moore, *International Law Digest*, V. 177, quoting MS. Notes to Foreign Legations, IV. 396. It is to be noted, however, that the power was most cautiously used in the Russian treaty, which was then under discussion.

of the United States. The conflict which the dogma engendered affected successively Congress, the presidents, and the courts. But the supreme federal tribunal responded to the movement far more slowly than did the political departments of government; until 1835–1837 the court remained as nationalist as was Marshall himself.<sup>8</sup> On the other hand, as the one arena in which the proponents of the doctrine faced no numerical odds, as the institutional guarantee of state integrity, the Senate early became the very centre of the struggle. It is but reasonable, then, to suppose that in many instances it must have exercised its control over treaty-making in the spirit of this contest, particularly when acting upon treaties which so directly involved the question of states' rights as did those containing provisions such as have been considered.

This control was first exercised in 1835. Early in the year previous George de Tschann, Swiss chargé d'affaires at Paris, had proposed to Edward Livingston, United States minister to France, a declaration stipulating that citizens of each country should be on an absolute equality with natives in the acquisition, possession, and disposition, by testament or otherwise, of real or personal property within the jurisdiction of the other, and that neither state should exact any duty of detraction upon the export of such property.<sup>9</sup> After conference with President Jackson, Louis McLane, then secretary of state, instructed Livingston to enter into negotiations with de Tschann. "Similar stipulations with regard to the disposal of the property of aliens", he wrote, "are, as you are doubtless aware, familiar to our diplomacy. . . . The tenth article of our recent convention with Russia is an example to which I beg leave to refer you, and may serve as a guide in the negotiation now proposed."<sup>10</sup> Thus Livingston was instructed to model a treaty with Switzerland upon the agreement which went farther than any which had yet been concluded in recognizing the right of the states to regulate the inheritance and disposal of real property. The convention was signed March 6, 1835, and consisted of two articles, which reproduced, almost literally, the provisions of article X. of the Russian treaty. Article II. stipulated that where the laws of a state or canton constituted alienage a bar to the possession of real property, the alien

<sup>8</sup> In this period of three years Marshall was replaced by Taney, and four new associate justices came to the bench.

<sup>9</sup> Edward Livingston to Louis McLane, February 13, 1834, MS. State Department, Bureau of Indexes and Archives, Despatches, France, XVII., no. 25; George de Tschann to Edward Livingston, February 10, 1834, *ibid.* The manuscript despatches, instructions, and notes cited below are to be found in this bureau.

<sup>10</sup> Louis McLane to Edward Livingston, April 30, 1834, MS. Instructions, France, XIV., no. 20.

heir should be "allowed the term prescribed by the laws of the said State or Canton", or "if no such term shall be prescribed a reasonable time to dispose of such property", and to export the proceeds without paying any other charges than those to which a native would be liable.<sup>11</sup>

The fate of the treaty is revealed by correspondence between the successors of McLane and Livingston. In January, 1838, Lewis Cass, then minister to France, forwarded to John Forsyth, secretary of state, a note from de Tschann inquiring into the matter. The letters throw an interesting light upon American diplomatic methods, or lack of them, in that day. Cass wrote:

I am entirely uninformed as to the arrangement entered into between Mr. Livingston and M. de Tschann, or why it was not ratified. I have told Mr. de Tschann that I have no authority to act upon this subject, but that I would refer the matter to the State Department.

P. S. May I ask to be informed as to the grounds of the objection of the Convention negotiated by Mr. Livingston that I may communicate them to Mr. de Tschann? I understand that neither he nor the Swiss Government has received any information upon the subject, and a proper comity would seem to require some communication should be made to them.<sup>12</sup>

The ignorance of the existence of the treaty on the part of the American minister and of its fate on the part of the Swiss chargé, was terminated eight months later. Early in September Forsyth wrote to Cass informing him of its rejection by the Senate two years previously, and adding,

The grounds of this decision are not officially known to me, and it would be useless now to enter into speculation concerning them. It is, however, understood that the vote of rejection was carried by such a majority as to render it hopeless that any agreement containing like stipulations would, upon presentation, meet a different fate.

He further declared that, should the sentiments of his constitutional advisers change, the President would be glad to reopen the matter.<sup>13</sup>

The rejection of the treaty was, indeed, a decisive one, the vote, twenty-three to fourteen, being almost a reversal of the two-thirds majority required for ratification. The vote itself is not without interest. The yeas were almost exclusively those of northern Democrats, Daniel Webster and Goldsborough of Maryland being the

<sup>11</sup> MS., State Department, Bureau of Rolls and Library, Unperfected Treaties, M3.

<sup>12</sup> Lewis Cass to John Forsyth, January 27, 1838, MS. Despatches, France, XXVIII.

<sup>13</sup> John Forsyth to Lewis Cass, September 3, 1838, MS. Instructions, France, XIV., no. 25.

only Whigs to support ratification. On the other hand, six southern and two northern Democrats joined with the Whigs in defeating the treaty.<sup>14</sup> If it be conceded that the issue was joined on the states' rights question this division seems perfectly natural. And it is extremely difficult to imagine any other reason for the rejection of the treaty, particularly by such a division. As McLane had observed, such stipulations were familiar to our diplomacy; indeed, they appeared in fourteen treaties which had been concluded since 1789. There is abundant evidence of the existence of a real need for such an agreement with Switzerland, and the correspondence shows that both Jackson and Van Buren desired to conclude one. On the other hand, why should the Senate reject a treaty with Switzerland upon these grounds, and at almost the same time consent to the ratification of treaties with other countries containing similar stipulations?<sup>15</sup> Perhaps, as Secretary Forsyth remarked in 1838, it would be useless now to enter into speculation concerning the reasons for such apparent inconsistency. This much may be noted, however, that in the other cases the provisions regulating the inheritance and disposal of property comprise only one article in general treaties covering a wide range of subjects, and of great value to the nation, while the sole purpose of the rejected Swiss treaty was to settle this one question. The difference is one that may well have affected the action of the Senate. The subsequent course of the Senate and of the President in concluding treaties with Switzerland containing stipulations of this sort exhibits the same want of consistency and is of even greater interest in general study of the subject.

A more immediate instance of positive senatorial action upon an agreement of this type is afforded by the amendment of the treaty of 1845 with Bavaria. This is one of six treaties regulating property rights negotiated with the German states by Henry Wheaton.<sup>16</sup> Of these agreements four were accepted by the Senate as negotiated, that with Bavaria was amended to make one of its provisions apply to personal property only, and that with Electoral Hesse never was

<sup>14</sup> *Journal of the Executive Proceedings of the Senate of the United States of America*, IV, 559 (cited hereafter as *Sen. Ex. Journ.*).

<sup>15</sup> Russia, 1832; Venezuela, 1836; Peru-Bolivia, 1836; Sardinia, 1838.

<sup>16</sup> Almost a decade earlier Wheaton had been instructed to endeavor to conclude such agreements. Upon the rejection of the Swiss treaty of 1836 these instructions were countermanded. But the seventh article of the treaty of 1840 with Hanover contains practically the same provisions as those rejected in 1836. When it passed the Senate, Wheaton suggested that he be empowered to negotiate conventions with Saxony, Bavaria, Württemberg, Electoral Hesse, and the Grand Duchy of Hesse. Nassau was subsequently added. Henry Wheaton to H. S. Legaré, June 14, 1843, MS. Despatches, Prussia, III., no. 226.

acted upon at all.<sup>17</sup> The amendment of the Bavarian treaty seems to have been merely the rectification of a clerical error on the part of the American negotiator. The second article of each of the Wheaton conventions fixes the period during which the alien heirs of real estate may dispose of such property in those states whose laws will not permit them permanently to hold it. In every agreement except that with Bavaria the third article puts aliens upon precisely the same footing as natives in the acquisition and disposal of personal property. In the third article of the Bavarian treaty the words "real and" preceded the words "personal property". The effect of such a provision would be to render nugatory the preceding article and to make its inclusion in the treaty an absurdity. It seems obvious that the two words crept in through carelessness, perhaps in preparing the formal draft. This view is supported by a statement of Wheaton himself.<sup>18</sup> Upon motion of Senator Huger of the Committee on Foreign Relations, the Senate, by unanimous consent, resolved to strike out the words "real and", and then unanimously voted to advise and consent to the ratification of the treaty.<sup>19</sup>

In 1847 a second convention regulating property rights was ne-

<sup>17</sup> James Buchanan to Andrew J. Donelson, October 12, 1847, MS. Instructions, Prussia, XIV., no. 12; see also *Sen. Ex. Journ.*, VII. 140, 167. This convention does not differ in any material manner from the other agreements which were approved by the Senate. Buchanan declared that the State Department did not know why the Senate had failed to act upon it.

<sup>18</sup> Henry Wheaton to J. C. Calhoun, January 21, 1845, MS. Despatches, Prussia, III. (Wheaton), no. 257.

<sup>19</sup> *Sen. Ex. Journ.*, VI. 446-449; for the course of the treaty in the Senate see *ibid.*, VI. 339, 400, 429, 444. There are two curious circumstances in the subsequent history of this article. The first is found in the instructions with which Calhoun returned the treaty to Wheaton for the approval of the Bavarian government. The Secretary of State declared that, "The President would have had no hesitation in ratifying the Convention as it stood; and he hopes and believes that the amendment will not prove a fatal objection on the part of Bavaria". J. C. Calhoun to Henry Wheaton, March 27, 1845, MS. Instructions, Prussia, XIV., no. 68. In view of the character of the amendment which had been made, this statement seems hardly to be rational. It is not impossible that national politics rather than departmental affairs occupied the focus of attention in the mind of the Secretary at the moment when it was written. Such lapses have occurred since the days of Calhoun. But even more inexplicable is the fact that in all of the editions of the treaties and conventions of the United States with foreign powers appear the words ordered by the Senate to be stricken out. Notes afford the information that in the original treaty they are encircled with red ink, and Davis adds that they were stricken out by order of the Senate. Davis, "Notes upon Foreign Treaties", p. 1248. The presence of the red circle is simply explained: examination of the originals of the treaties of this period shows that it was the practice of the State Department to encircle with red crayon words stricken out by Senate amendments. In no other instance, however, do the words so excised appear in the printed treaties.



gotiated with Switzerland, and this agreement was unanimously approved by the Senate. Article II. follows the form which by that time had been used in various treaties. It provides that where a citizen of Switzerland shall inherit real property in the United States which he may not permanently possess because of alienage, a term of not less than three years shall be allowed him to dispose of such property and to collect and withdraw the proceeds thereof without paying any charges other than those to which a native would be liable under similar circumstances.<sup>20</sup> The convention of 1847, however, was solely upon the subject of property rights, and in 1850 instructions were sent to A. Dudley Mann, special agent of the United States in Europe, directing him to negotiate a general treaty of friendship, commerce, and extradition with the Swiss confederation.<sup>21</sup> Such a treaty was signed at Bern November 25, 1850. It was submitted to the Senate by President Fillmore in February of the following year with a message in which he made an absolutely explicit statement of his opinion that the treaty-making power had no constitutional authority to remove disabilities as to holding land, laid upon aliens by the states, and at the same time suggested certain amendments to this agreement. The President asked that the Senate strike out a clause in the first article which relieved Swiss citizens of such disabilities by guaranteeing to them in each state the rights of citizens of the United States. "This is not supposed to be a power properly to be exercised by the President and the Senate in concluding and ratifying a treaty with a foreign state", Fillmore observed. "The authority naturally belongs to the State within whose limits the land may lie." He also suggested that another clause of the same article, which provided that citizens of Switzerland might acquire, possess, and alienate real and personal property in the United States, be amended so as to apply to personal property only.<sup>22</sup>

Precisely the extent to which the Senate agreed with Fillmore's views of the constitutional limitations upon the treaty-making power can hardly be established to-day. The records show, however, that

<sup>20</sup> *Treaties and Conventions*, II. 1763; the course of the convention in the Senate may be traced in the *Sen. Ex. Journ.*, VII. 249, 250, 275, 397, 402.

<sup>21</sup> John M. Clayton to A. Dudley Mann, June 5, 1850, MS. Instructions, Special Missions, I. 310. The career of Mann was one of the most picturesque in the annals of American diplomacy. Upon a number of occasions covering a considerable period of years he was sent abroad upon confidential missions as "special agent" of the United States, and during the momentous years preceding 1850 he covered revolution-torn Europe from England to Italy as unofficial observer for the State Department. Most of his reports appear in the manuscript volumes entitled "Special Missions".

<sup>22</sup> Message dated February 13, 1851. *Sen. Ex. Journ.*, VIII. 289-290.

the amendments suggested were adopted with but three dissenting votes. The Senate, in fact, went further than the President had requested. Fillmore had been of the opinion that the provision of the fifth article granting to Swiss citizens the right to dispose of their personal property and real estate "would be no otherwise objectionable, if it stood by itself, than as it would seem to imply a power to hold that of which they are permitted to dispose". Hence he did not ask that it be removed. The Senate, however, struck out the words, "and real", leaving the article to apply to personal property only. At the same time article VI., which was of an executory nature, was amended to accord with the changes made in the preceding article.<sup>23</sup> After a delay of six months the amended treaty was returned to Mann with instructions to explain the situation to the Swiss government and, if possible, to secure acceptance of the changes which had been made.<sup>24</sup> Seventeen months later, February, 1853, it was again laid before the Senate, the amendments of 1851 as modified by the Swiss having been incorporated into the body of the treaty, which now was presented as a continuous draft.<sup>25</sup>

When the Senate had amended article V. so that it applied to personal property only, it had left the treaty without any provision regulating the inheritance and withdrawal of real property. In the modified draft now to be passed upon, the disposition of land was provided for by two paragraphs which had been added to this article. The first stipulated that the provisions of the article covering the disposition of personal property should be applicable to real estate in those states in which foreigners should be entitled to hold or to inherit land.<sup>26</sup> This was agreed to by the Senate without question. The second additional clause followed the commonly accepted form and provided that in those states where alien heirs could not hold real estate there should be "accorded to the said heir, or other successor, a term of not less than three years to sell" such property.<sup>27</sup> After the treaty had been discussed several times it was moved to amend article V. by striking out all of this clause. The vote stood seventeen to eleven in favor of the excision, but as the twenty-eight members present did not constitute a quorum the matter was carried over. Three weeks later the motion to strike out the clause was replaced by one offered by Senator Mason, veteran chairman of the

<sup>23</sup> *Sen. Ex. Journ.*, VIII. 289, 312, 315.

<sup>24</sup> Daniel Webster to A. Dudley Mann, September 25, 1851, MS. Special Missions, I., no. 2, p. 339.

<sup>25</sup> *Sen. Ex. Journ.*, IX. 25-26.

<sup>26</sup> *Treaties and Conventions*, II. 1765.

<sup>27</sup> MS. Treaties, no. 353 (Bureau of Rolls and Library).

Committee on Foreign Relations. The committee proposed to amend the clause by striking out the words, "a term of not less than three years", and inserting in lieu thereof, "such term as the laws of the State or Canton will permit". With this amendment, which was accepted without a division, it was unanimously resolved to advise and consent to the ratification of the treaty.<sup>28</sup>

This deliberate modification of the article is believed to indicate very strongly that the Senate of 1854 deemed the authority of the treaty-making power to regulate the inheritance and disposition of real property to be highly questionable. There is, moreover, the strongest sort of additional evidence supporting this conclusion, and at the same time absolutely proving that this was the position taken by President Pierce and his Secretary of State. In the letter of instruction with which Marcy returned the re-amended treaty to Switzerland, the Secretary declared:

Most of our treaties, including the existing one with Switzerland respecting the *Droit d'Aubaine*, contain the stipulation, word for word, which has been amended in the present instance; but the Government of the United States has not the power to carry the stipulation practically into effect in such states, the number having been reduced, it is believed, to three or four, as withhold their assent to such a procedure.<sup>29</sup>

This last statement can leave no doubt that the opinion of the executive branch of the government was that the power in question was reserved to the states, and was outside the sphere of the treaty-making power of the United States.

Additional interest is given to the circumstances under which this treaty was amended by the fact that the famous case of *Hauenstein v. Lynham* turns on the interpretation of the very clause which was modified by the Senate.<sup>30</sup> The question at issue, reduced to its simplest terms, may be stated thus: the treaty of 1850 guarantees to Swiss citizens inheriting real property in a state in which they may not legally hold such property the right to sell or withdraw it within the time allowed by the law of that state. In case the law of the state does not fix such term, may or may not the sale and withdrawal be made within a reasonable time, or at all? The Virginia

<sup>28</sup> *Sen. Ex. Journ.*, IX. 25, 26, 57, 81, 234, 320, 330.

<sup>29</sup> W. L. Marcy to T. S. Fay, June 8, 1854, MS. Instructions, Switzerland, I. 15, no. 12.

<sup>30</sup> 100 U. S. 483 (1879). This case is discussed at length in Tucker, *Limitations on the Treaty-Making Power*, pp. 161-165. Burr, *The Treaty-Making Power of the United States*, pp. 355, 357, and Corwin, *National Supremacy*, pp. 188-190, are primarily interested not in the manner in which the court interpreted the treaty, but in the decision that it was efficacious if interpreted so as to apply to the case.

court of appeals declared that it could not be.<sup>31</sup> The Supreme Court of the United States reversed the decision, and finally ruled that the right of withdrawal existed under the treaty independently of state legislation. Both courts, to a considerable extent, based their decisions upon their respective conclusions as to what the framers of the treaty had intended this clause to mean.<sup>32</sup>

In presenting the opinion of the Virginia tribunal Judge Moncure stated that it was the belief of the court that the framers of the treaty had intended it to be dependent upon state legislation for its operation and effect. He declared this to be the plain meaning of the language used, and argued that if it had been desired to give the alien heir a right to sell the property within a reasonable time, even in case the state should not choose to permit it, or to prescribe such time,

the term of time . . . would have been prescribed by the treaty itself, as had been done by the treaty between the same powers of May 4, 1848. . . . Why [he inquired] was not a similar provision made in the treaty of November 9, 1855?<sup>33</sup> Obviously because it was intended that the consent and co-operation of the state should be necessary to give effect to that part of the treaty. . . . May we not suppose that the framers of the treaty of 1855 intended to avoid the exercise of at least a doubtful power by omitting such a provision . . . and by inserting in its stead such a provision as is contained in the subsequent treaty of 1855?<sup>34</sup>

The Supreme Court, however, speaking through Justice Swayne, decided that it was clearly the intention of the framers of the treaty "to secure to the beneficiaries absolutely the right 'to sell said property', and 'to withdraw and export the proceeds thereof without difficulty'". The terms of the clause were held to "imply clearly that *some time*, and not that *none* was to be allowed". It was further observed that if the case were to be decided under the treaty of 1847 there would not be a doubt as to the result, and that the court thought the case equally clear under the treaty of 1850.<sup>35</sup>

Detailed study of these two opinions affirms the judgment that every point in the history of the article and clause in question directly and powerfully supports the position taken by the Virginia

<sup>31</sup> 28 Gratton 62 (1876).

<sup>32</sup> Judge Moncure said, "This case, therefore depends entirely on the true construction of the third clause of the fifth article of the said treaty." 28 Gratton 71. The Supreme Court declared that "The fifth article . . . is the hinge of the controversy between the parties." 100 U. S. 485.

<sup>33</sup> This was the date of the proclamation of the treaty, which was signed November 25, 1850. It is the practice of the State Department to identify treaties by the date of signature.

<sup>34</sup> 28 Gratton 71-72.

<sup>35</sup> 100 U. S. 483, 486-487.

court. Judge Moncure cites the provision of the treaty of 1847 allowing three years for sale and withdrawal, and asks, "Why was not a similar provision made in the treaty of November 9, 1855?" The mind successively recalls that such a provision was incorporated into the third clause of article V. of the latter instrument; that the Senate at first was inclined to reject the entire clause, but finally struck out this particular provision and substituted a phrase which fixed the time as the term permitted by the laws of the states and cantons; and that in explaining this amendment to the other party to the treaty the executive explicitly stated that the change was made because "the Government of the United States has not the power to carry the stipulation practically into effect" in those states whose laws did not permit aliens to hold real estate. Consideration of these facts certainly raises a very strong presumption that the Virginia jurist was right when he declared that the earlier provision allowing three years for the sale and withdrawal of real estate was changed "because it was intended that the consent and co-operation of the state should be necessary to give effect to that part of the treaty". Also it may be recalled that in the rejected Swiss treaty of 1835, as in the treaty of 1832 with Russia, it was provided that claimants should "be allowed the term prescribed by the laws of the said State or Canton, or if no such term shall be prescribed a reasonable time to dispose of" the sort of property here under discussion.<sup>36</sup> This alternative provision does not appear in the treaty of 1850, nor is there the slightest evidence that the Senate considered that the right which it might have explicitly granted was implied by the provision which it did substitute for the regulation which had appeared in the treaty of 1847. All the evidence leads to the contrary conclusion. Yet the clause was interpreted exactly as though the alternative phrase had been included.

Thus the Supreme Court took the position that the treaty-making organs of the government possessed and had intended to exercise the power to regulate the acquisition, possession, and disposal of land within the states. The history of the treaty, on the contrary, seems to prove that its makers believed that they did not possess the power in question and that they did not intend to exercise it. Had the Supreme Court taken this view it must have held that the treaty did not apply to the case, and have affirmed the decision of the Virginia tribunal. Obviously, such a decision would in no way have been a denial of the existence of the power in the federal govern-

<sup>36</sup> MS. Unperfected Treaties, M3 (Bureau of Rolls and Library); *Treaties and Conventions*, II. 1518.

ment. It would, however, have reduced to the status of *dicta* any opinion expressed upon the constitutionality of the treaty.

The conclusion that the Senate had intended to handle with great caution the constitutional question involved in article V. of the Swiss treaty is strengthened by its action upon a convention negotiated in 1854 with Brunswick and Lüneburg, and by the very terms of this agreement. Article II. stipulates in words identical with those of the Senate amendment to the Swiss convention, that in case real property inherited by citizens of either party within the territory of the other cannot be held on account of alienage, "such term as the laws of the State or country will permit shall be allowed" for its sale and withdrawal.<sup>37</sup> Inasmuch as this phrase was written into the Brunswick agreement by Secretary Marcy while the ratification of the Swiss convention was still under consideration, it is reasonable to infer that he deemed it to be within the bounds of the extremely narrow limits which he had just placed upon the treaty-making power in his explanation of its inclusion in the latter treaty.<sup>38</sup> As might be expected, the Senate had no fault to find with this part of the convention. In amending the first article, however, the revising body went further than it ever had in protecting the right of the states to control all property within their borders. The provision was that, "The citizens of each one of the high contracting parties shall have power to dispose of their personal property, within the jurisdiction of the other, either by testament, donation, or *ab intestato*, or in any other manner."<sup>39</sup> These were the customary terms governing the disposition of personal property. But the Senate, by amendment, in this instance made the right "subject to the laws of the State or country in which the domicile is, or the property found".<sup>40</sup> It is to be noted that this article concerned personal property only. Attention is directed to its amendment because this is the only instance in which the Senate acted to bring a treaty grant of rights in the disposal of personal property into subjection to state law. It is hardly to be supposed that the body of men who went to this extreme in the protection of the states had intended to amend the Swiss treaty so as to heighten rather than diminish the questionable character of the grant made by it in the more delicate matter of real estate.

<sup>37</sup> *Treaties and Conventions*, I. 157.

<sup>38</sup> The advice and consent of the Senate had been given on the twenty-ninth of the preceding May, but the President did not ratify the convention until November 6. *Treaties and Conventions*, II. 1763.

<sup>39</sup> MS. Unperfected Treaties, no. 35 (Bureau of Rolls and Library).

<sup>40</sup> *Sen. Ex. Journ.*, IX. 435.



The attitude of the Senate of this period upon the question of the extent to which the treaty-making power authorized the federal government to control the inheritance and disposal of real estate, and even of personal property, is further revealed by two other treaties which came before it during the years when the Swiss treaty of 1850 was being considered. The first of these was negotiated with Belgium in 1852. This convention never was perfected and no copy of it is preserved in the Bureau of Rolls and Library. It is evident, however, that the first article regulated the rights of aliens as to personal property and the second their rights in land.<sup>41</sup> Although considered intermittently between August, 1852, and December, 1853, no progress was made towards ratification at this time.<sup>42</sup> Four years later, January, 1858, the convention was revived and referred to the Committee on Foreign Relations.<sup>43</sup> On the twenty-ninth of that month Secretary Cass informed H. de Bosch Spencer, Belgian chargé d'affaires, that the committee had agreed to report it, and submitted to him a transcript of an amendment which they intended to propose.<sup>44</sup> Late in July Spencer informed the Secretary of State that his sovereign had authorized the acceptance of the proposed amendment, and suggested that it take the form of an additional article, in the following words:

It is hereby understood that the stipulations of Article 1st, in as much as they concern immovable property, and that those of Article 2d, shall be applicable in those states only of the Union the peculiar legislation of which is not contrary to said stipulations.<sup>45</sup>

Six months later the Committee on Foreign Relations reported out the convention with an amendment substantially in this form. But although the Senate considered the convention twice, no positive action was taken, and on March 8 it was finally tabled.<sup>46</sup> The

<sup>41</sup> Apparently the Senate never returned the original treaty to the Department of State. Probably it still rests in the executive files of the former body. The nature of the agreement, however, is clearly revealed by the Senate amendment, and by the correspondence between the State Department and H. de Bosch Spencer, Belgian chargé d'affaires at Washington.

<sup>42</sup> *Sen. Ex. Journ.*, VIII. 447, 448; IX. 9, 57, 69, 181.

<sup>43</sup> *Ibid.*, X. 279.

<sup>44</sup> Lewis Cass to H. de Bosch Spencer, January 29, 1858, MS. Notes, to Belgian Legation, XVI.

<sup>45</sup> H. de Bosch Spencer to Lewis Cass, July 25, 1858, MS. Notes, from Belgian Legation, XIV.

<sup>46</sup> *Sen. Ex. Journ.*, XI. 45, 75, 92. The report of the Committee on Foreign Relations also appears in the *Compilation of Reports, Committee on Foreign Relations, Sen. Doc. No. 231*, 56 Cong., 2 sess., pt. 8, p. 62. It is here dated March 9, 1853, one of the many gross errors in this compilation. The date should be February 2, 1859.

failure of the Senate to consent to ratification in 1852-1853, the nature of the proposed amendment, and the final fate of the convention certainly are highly suggestive of reluctance to decide the constitutional question involved.

By its amendment of article VII. of the French consular convention of 1853, the Senate again revealed its extreme solicitude for the rights of the states as opposed to the treaty-making powers of the federal government. In its first clause this article provided that, "In all the States of the Union, whose existing laws permit it, Frenchmen shall enjoy the right of possessing personal and real property by the same title and in the same manner as the citizens of the United States." The clause further stipulates that French citizens are to be on an equality with Americans in the disposition of such property. In the second clause the President engages to recommend to those states by whose existing laws aliens are not permitted to hold real estate the passage of such laws as may be necessary for conferring this right. The third clause confers upon citizens of the United States the same rights within France with respect to real and personal property as are enjoyed by French citizens, with the reservation to the French government of the ulterior right of establishing reciprocity in the matter.<sup>47</sup> During the debate on the convention twelve senators, most of them Democrats, attempted to strike out all of article VII. The article was retained, but was amended by the insertion into the first clause of the qualifying phrase, "so long and to the same extent as the said laws shall remain in force". The clause then read, "In all the States of the Union, whose existing laws permit it, so long and to the same extent as the said laws shall remain in force, Frenchmen shall enjoy the right of possessing personal and real property by the same title and in the same manner as the citizens of the United States." With this alteration and with a minor change in the wording of the title, the resolution of advice and consent was passed, twenty-five to ten. The same group which had endeavored to secure the excision of article VII. voted against ratification.<sup>48</sup> The purpose of the phrase inserted by the Senate seems to be obvious. It was to reserve to those states whose existing laws put French citizens on an equality with Americans in the inheritance and disposal of land the right to withdraw the privileges of this position at any time without the possibility of being brought into conflict with a treaty of the United States.

The two important federal cases under the French consular con-

<sup>47</sup> MS. *Treaties with Foreign Powers*, no. 92 (Bureau of Rolls and Library).

<sup>48</sup> *Sen. Ex. Journ.*, IX. 53, 116, 122-123.

vention of 1853 are *Prevost v. Greneaux*, 1856, and *Geofroy v. Riggs*, 1889. Each turns upon the article which was amended by the Senate, in the interpretation of which they offer a striking example of the extent to which even the highest court reflects in its decisions the dominant political thought of the time. The opinion in the case of 1856, written by Chief Justice Taney, is states' rights to the core. That of 1889, from the hand of Justice Field, voices with equal distinctness the nationalist doctrine upon the question at issue. Each is thoroughly in accord with the political views of the court. Chief Justice Taney wrote:

In affirming this judgment, it is proper to say that the obligation of the Treaty and its operation in the State, after it was made, depend upon the laws of Louisiana. The Treaty does not claim for the United States the right of controlling the succession of real or personal property in a state. And its operation is expressly limited "to the States of the Union whose laws permit it, so long and to the same extent as those laws shall remain in force."<sup>49</sup>

On the other hand Justice Field, speaking for the court of 1889, took the position that the treaty did grant to Frenchmen a positive right independently of state law, namely, the right of possessing personal and real property by the same title and in the same manner as citizens of the United States in those states whose law permitted aliens to hold real estate at all. That is, if the law of a state allowed aliens to hold real estate, then the treaty guaranteed that Frenchmen should be legally capable of acquiring, possessing, and disposing of it upon an absolute equality with citizens of the United States.

This construction [the court observed] . . . gives consistency and harmony to all the provisions of the article, and comports with its character as an agreement intended to confer reciprocal rights on the citizens of each country with respect to property held by them within the territory of the other. To construe the first clause as providing that Frenchmen shall enjoy the right of possessing personal and real property by the same title and in the same manner as citizens of the United States, in States, so long as their laws permit such enjoyment, is to give a meaning to the article by which nothing is conferred not already possessed, and leaves no adequate reason for the concession by France of rights to citizens of the United States, made in the third clause.<sup>50</sup>

It will be noticed that Justice Field bases his interpretation of the article principally upon the ground that only such a construction would comport "with its character as an agreement intended to confer reciprocal rights on the citizens of each country with respect to property held by them within the territory of the other". As a

<sup>49</sup> 19 Howard 7.

<sup>50</sup> 133 U. S. 269-270.

matter of fact, was it understood, or stated, that the privileges granted were to be reciprocal? The third clause of the article shows clearly that they were understood not to be. It stipulates that,

In like manner, but with the reservation of the ulterior right of establishing reciprocity in regard to possession and inheritance, the Government of France accords to the citizens of the United States the same rights within its territory in respect to real and personal property, and to inheritance, as are enjoyed by its own citizens.<sup>51</sup>

Clearly, it was understood that France was granting more than merely reciprocal privileges, and it is explicitly stipulated that she should not be bound permanently to do so.<sup>52</sup> In *Prevost v. Greneaux* the court held that the French consular convention of 1853 was intended to grant no right not given by state law. In *Geofroy v. Riggs* the decision was that this treaty was expected to confer rights independently of state legislation. Between these two positions the issue is clear. Is it too much to say that the contemporary opinion correctly expresses the real intent of the makers of the treaty, while that written after the passage of thirty-three years and the decision of the Civil War represents what would have been meant by the President and the Senate in 1889?<sup>53</sup> I believe that it is not.

The seven instances in which the Senate rejected, dropped, or amended treaties regulating the inheritance and disposal of real property occurred between 1830 and 1860. No such action was taken before or after this period.<sup>54</sup> With reference to the con-

<sup>51</sup> *Treaties and Conventions*, I. 531.

<sup>52</sup> The alternative construction of the article is well stated in the argument of John Selden, attorney for the appellee, as follows: "The concessions, on the part of the United States, expressed in this article of the convention are: (1) The adoption as part of the supreme law of the land, of certain existing *state* laws, so long as they may remain in operation; and, (2) the engagement of the President, to recommend to those States by whose laws aliens are not permitted to hold real estate, the passage of enabling enactments." 133 U. S. 260.

<sup>53</sup> A concrete example of the change in attitude is an incident mentioned in Davis's "Notes": "In 1870 a proposal was made to the Department of State to open negotiations with a Foreign Power, with a view of conferring upon citizens of each the power of holding, disposing of, and succeeding to real estate in the territories of the other. In deference to the doubts suggested from the bench, the question was submitted to the Committee of Foreign Relations of the Senate for advice. After full consideration they advised the negotiation of a Treaty for that purpose if possible." Davis, "Notes upon Foreign Treaties", p. 1239.

<sup>54</sup> Provisions of the sort described appear in nine treaties subsequently concluded. Some apply the most favored nation principle to the rights of aliens in land, others put them on an equality with citizens, and others guarantee to them only such rights as may be given by the laws. These agreements are with Corea, Congo, the Dominican Republic, the German Empire, Italy, Nicaragua, the Orange Free State, Servia, and Venezuela. *Treaties and Conventions*, I. 329, 337, 405, 553, 976; II. 1282, 1311, 1614, 1847.

stitutional question of limitations on the treaty-making power when opposed to the right of each state to control exclusively its own land laws, I believe the history of these treaties to show, first, that the matter did not become the subject of acute political contention in the Senate until after 1830; secondly, that from then until 1860 the Senate and the executive entertained grave and increasing doubts concerning their authority to make treaties in this field; thirdly, that in this as in other phases of the states' rights struggle neither the Senate nor the executive ever assumed and maintained a clear-cut, definite position on the principle at issue; fourthly, that in every particular instance in which conflict arose the treaty in question was amended to bring it more nearly into accord with the states' rights theory. These conclusions would seem to indicate that during the thirty years preceding the Civil War the Senate and some of the presidents went much further than did the courts in reaction from the nationalist conception of the scope of the treaty-making power. Under the influence of this reaction a number of treaties were amended with the intention of making provisions regulating the inheritance and disposal of land dependent upon the laws of the states; and in one instance the Supreme Court interpreted such a treaty in this spirit. But, as Disraeli once said, finality is not the language of politics. Before these treaties were finally construed by the Supreme Court, nationalist sentiment had again become unquestionably dominant among the people, and in both the political and the judicial departments of the government. The treaties, therefore, bear to-day the stamp of the nationalist doctrines of the men who construed them, rather than of the states' rights dogmas which dictated the action of their makers. The authority of the federal government in this field is not fixed by the Constitution in absolute rigidity; more than one interpretation is possible. And so long as this is true the construction of the day, or of the generation, will tend to be in harmony with the dominant political beliefs of the American people.

RALSTON HAYDEN.

## NOTES AND SUGGESTIONS

### LIMITATIONS OF GILD MONOPOLY

WRITERS in the field of English economic history usually accept the theory that the members of a craft gild generally secured and maintained a monopoly of working and trading in their particular branch of industry. Thus in his recent book, *The Economic Organization of England*, Professor Ashley writes:

The craft company was not simply an association *among* men of a town engaged in a particular occupation; it was the association, in idea and approximately in fact, of *all* the men so engaged. That means that, as soon as the company was solidly established, no man who did not belong to it could carry on the trade in the borough.<sup>1</sup>

This theory needs some modification by reason of the tendency of the men of one craft to intermeddle in the trade of another. To buy and sell freely, regardless of gild restrictions, was sometimes even claimed as a right attaching to possession of the civic franchise.

It cannot be denied, of course, that individual gilds sometimes secured monopolistic rights over those arts in which they specialized. As early as Henry II.'s time the Weavers of London were granted a royal charter which forbade anyone to engage in their occupation within the City unless he were a member of their gild.<sup>2</sup> Similar privileges were conferred upon the Weavers of York, the Tailors of Chester, and many other such associations.<sup>3</sup> In 1363, as the result of a determined effort to prevent the Grocers from buying up and selling all kinds of merchandise, Parliament enacted a statute which provided that in future merchants should use but one kind of merchandise, and "that Artificers, Handicraft People, hold them everyone to one Mystery, which he will choose betwixt this and the said feast of Candlemas".<sup>4</sup> So too, the famous Statute of Artificers, passed in the early part of Elizabeth's reign, would seem to sustain the exclusive privileges of the crafts, in that it expressly forbids anyone to exercise any trade then existing in England, "excepte he shall have been brought uppe therein Seaven yeares at the least as Apprentice".<sup>5</sup> Evidence of this character makes out a case for

<sup>1</sup> P. 37; cf. Gross, *Gild Merchant*, I. 114.

<sup>2</sup> *Liber Custumarum*, p. 33.

<sup>3</sup> Gross, *Gild Merchant*, pp. 114-115.

<sup>4</sup> 37 Edw. III., cc. 5, 6.

<sup>5</sup> 5 Eliz., c. 4.



those who contend that once a gild was firmly established, it monopolized the manufacture of, and trade in, its particular kind of goods.

The age in which the craft gilds flourished, however, was not one of highly centralized government and a rigid enforcement of laws. A judge might interpret a statute in such a way as virtually to nullify it.<sup>6</sup> Local custom might conflict with royal grant. Hence it is not surprising to find that there were forces working more or less successfully against the monopoly of the individual craft association. It was long a claim of the freeman of London that he might rightfully buy and sell without hindrance whatever goods he wished, irrespective of gild regulations.<sup>7</sup> Thus in 1335, when the Weavers accused the Burellers of violating the exclusive rights conferred on the former by the charter of Henry II., the Burellers took the ground that they were "freemen of the City, and as such" were "entitled to carry on any trade or mistery". The mayor and aldermen sustained their claim and decreed that all freemen might set up looms, weave cloth and sell at their will "saving to the king his yearly ferm".<sup>8</sup> So too the clause in the law of 1363, forbidding merchants to trade in more than one kind of merchandise was repealed the following year, and "all People" were to be "as free as they were (at all times) before the said Ordinance".<sup>9</sup> In spite of all efforts to prevent it this tendency to buy and sell without regard to the privileges of individual crafts persisted throughout the whole history of the London gilds and livery companies.

Much other evidence might be adduced from the records of London and other places to show how the men of one occupation interfered with the trade of another.<sup>10</sup> The letter-books of the metropolis furnish numerous instances of citizens who exercised, sometimes for years at a time, trades other than those to which they had been apprenticed, and of the companies to which they belonged.<sup>11</sup> The

<sup>6</sup> 4 Leon. 9.

<sup>7</sup> *Liber Albus*, I. 391; Johnson, *Hist. Drapers*, I. 173; Sharpe, *Cal. Letter-Books*, *Letter-Book E*, pp. 297-298; *ibid.*, *Letter-Book F*, p. 29; Riley, *Memorials*, pp. 420-421; Cro. Car., 361, 10 Car. I.; *ibid.*, pp. 516-517; etc.

<sup>8</sup> Sharpe, *Cal. Letter-Books*, *Letter-Book E*, pp. 297-298.

<sup>9</sup> 38 Edw. III., c. 11.

<sup>10</sup> *Liber Custumarum*, p. 385 ff.; Riley, *Memorials*, p. 157; Sharpe, *Cal. Letter-Books*, *Letter-Book G*, p. 167; *ibid.*, p. 23; *ibid.*, *Letter-Book K*, p. 43; stat. 2 Hen. VI., c. 7; stat. 19 Hen. VII., c. 19; Mayo and Gould, *Records of Dorchester*, p. 393; Lambert, *Two Thousand Years of Gild Life*, p. 158; etc.

<sup>11</sup> Sharpe, *Cal. Letter-Books*, *Letter-Books G, H, I, K*, *passim*; for example, a certain man "showed that whereas he had been admitted to the freedom of the City in the Mistery of 'Hornyers' . . . he had long used, and was now using, the Mistery of 'Bruers', as good men of the latter Mistery testified; he therefore prayed to be admitted to the freedom in that Mistery. His prayer granted." *Letter-Book K*, pp. 7-8.

careful historian of the London Drapers' Company points out that though the Drapers temporarily established their control in 1363-1364, nevertheless "their monopoly did not last, nor was it ever complete".<sup>12</sup> An ordinance of the crafts of Beverley in 1493 implies intermeddling, in that it provides that in future every man shall be "in clothyng with the crafte yat he moste getts hys lyffynge by".<sup>13</sup> Starkey, writing in the time of Henry VIII., sums up the situation thus: "For thys causyth much malyce, envy, and debate, both in cyte and towne, that one man meddlyth in the craft and mystere of other."<sup>14</sup>

In some cases monopoly of manufacture seems to have been guarded more carefully than monopoly of trade. The tendency of those who have written in regard to the gilds has been to assume that these two kinds of monopoly necessarily went together. An examination of the references to charters given by Gross, however, shows that in the majority of instances it was not necessarily a monopoly of trade and manufacture, as he states it to be, that was granted to the gild; it may have been solely a monopoly of *manufacture*.<sup>15</sup> In the case of the "corvesarii" of Oxford no one outside of the gild was to be permitted to sell any *new work*; nothing is said in regard to trading in goods that had once been put on the market.<sup>16</sup>

The distinction between monopoly of manufacture and monopoly of trade is brought out more clearly, however, in the case of *Rex v. Bagshaw*, which came into court in the reign of Charles I. The question at issue was whether a citizen of London could lawfully exercise another craft than that to which he had been apprenticed. The defendant pleaded the custom of London, but verdict was found against him. The case is reported as follows:

The issue being joined, Whether there were such a custom as is pleaded? Littleton, the Recorder of London, certified, *ore tenus*, that there was not any such custom generally; for he said, that the custom is

<sup>12</sup> Johnson, *Hist. Drapers*, I. 99.

<sup>13</sup> Poulson, *Beverlac*, p. 256.

<sup>14</sup> Starkey, *England in the Reign of King Henry the Eighth: a Dialogue*, etc. (E. E. T. S., 1878), p. 158; in a case held before the Court of King's Bench regarding an alleged violation of the seven-years' apprenticeship requirement of the Statute of Artificers, it was held that if one had served an apprenticeship to any trade named in the act, he might exercise any other trade named therein. 4 Leon. 9.

<sup>15</sup> Gross, *Gild Merchant*, I. 114-115, and foot-note.

<sup>16</sup> "Quod nullus scindat in eadem villa Oxonie aut suburbiis ejusdem corduanum aut corium tannatum conreatum, nec novum opus ad officium predictum pertinens in eisdem villa et suburbiis vendat, nisi sit de illa Gilda, sub forisfactura manuoperis illius." From a charter of 12 Edw. II., quoted in Gross, *Gild Merchant*, I. 115.

not, that one brought up as an apprentice in the trade of a goldsmith, cutler, etc., being a freeman of London, by colour thereof may use any other manual trade; but one of a trade who useth buying and selling, may exercise another trade of buying and selling.<sup>17</sup>

A similar case the same year was decided in similar fashion.<sup>18</sup> Apparently London was more lenient toward promiscuous trading than toward promiscuous manufacture.

Even against those who were not of the freedom it was not always easy for the townsmen to enforce monopoly,<sup>19</sup> particularly where foreign merchants were accorded special privileges by the king.<sup>20</sup> But against those who lacked the franchise the municipal governments at least presented a solid front.<sup>21</sup> Admission to the freedom of London signified admission to what was, in the essential matter of monopoly, a *Gilda Mercatoria*,<sup>22</sup> whether or not it was called by that name. Against those freemen who wished to trade in the goods of misteries other than those to which they belonged, the individual gild might try to establish its monopoly; but the custom of buying and selling freely was never completely destroyed by these efforts. I have not attempted to determine whether the tendency rested on a legal basis in other towns than London; certain it is, however, that intermeddling of the character described was not confined to the metropolis. Even if it be admitted that the monopoly of the individual gild was the rule—a matter by no means completely established—the variations from it are too important to be neglected.

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#### THE ENGLISH RECUSANTS AND THE SPANISH ARMADA

THERE is a widespread and quite inexplicable misapprehension as to the part taken by the English Recusants in the preparation for defense made by England at the time of the approach of the Spanish Armada. It is asserted that in 1588 England, in response to the government's call for defenders against the threatened Spanish invasion, rose as one man, that Catholics fought side by side with

<sup>17</sup> Cro. Car. 361, 10 Car. I. (Croke, *English Reports*).

<sup>18</sup> *Ibid.*, pp. 516–517. *Appleton v. Stoughton*.

<sup>19</sup> Sharpe, *Cal. Letter-Books*, *Letter-Book C*, pp. 19–20; *ibid.*, *Letter-Book E*, p. 13; *ibid.*, *Letter-Book H*, pp. 135, 449; Riley, *Memorials*, pp. 354, 468, 561; etc.

<sup>20</sup> Sharpe, *Cal. Letter-Books*, *Letter-Book D*, p. 225; *ibid.*, *Letter-Book F*, p. 14; *ibid.*, *Letter-Book G*, introduction, p. xiii; *ibid.*, *Letter-Book I*, p. 54, etc.

<sup>21</sup> *Ibid.*, *Letter-Book D*, introduction, pp. ii–iii.

<sup>22</sup> “The Gild was the department of town administration whose duty was to maintain and regulate the trade monopoly. This was the *raison d'être* of the Gild Merchant of the twelfth and thirteenth centuries.” Gross, *Gild Merchant*, I. 43.

Protestants, that the bitter religious animosities of a half-century were forgotten, that the Lord High Admiral, the commander of the victorious English fleet, was himself an adherent of the Catholic faith. These statements are not based on satisfactory historical evidence; in fact the evidence forces one to an entirely opposite conclusion. Recusants were not enrolled in the English armies; they did not help man the English fleets; the Lord Admiral was not a Catholic. Whatever may have been the loyalty of the recusant portion of the population, the government, its very existence threatened by the foremost Catholic power of Europe, and fearful of the possibility of disaffection at home, denied to them the opportunity to serve the nation in the time of crisis.

The tradition that Admiral Howard was a Roman Catholic seems to have grown up at some much later time. Every contemporary indication is against it. He is known to have served frequently on commissions for the apprehension of Recusants. He took part in all the anti-Catholic governmental action of the period. There is in his whole career no contemporary record of any charge of nonconformity being brought against him, nor any evidence of his sympathy with the Catholics in their persecutions.<sup>1</sup> So strong is this cumulative evidence that unless some new and surprising body of material should be discovered to offset it, historians should not continue to picture Howard of Effingham as the protagonist of the Catholic patriots, the leader who, placing patriotism above religious conviction, led thousands of his co-religionists to the defense of the kingdom.

It is necessary at this point to give brief consideration to the general situation of these "co-religionists". As compared with the policies of Continental countries toward those of their inhabitants who dissented in religious matters, Elizabeth's treatment of the English Recusants cannot be considered to have been severe. Toward the Jesuits and seminary priests the governmental policy was rigid and unsparing, but this was due to the suspected political nature of their activities, not to their religious convictions. Toward the great mass of English Catholics, those who were not actually engaged in plotting for the overthrow of the government or the restoration of papal authority, Elizabeth's policy was one of surveillance rather than persecution. Punishment for non-attendance at the English Church was for the most part limited to the payment of fines. Recusancy was to be required to pay the expense caused by its own

<sup>1</sup> Cheyney, *History of England from the Defeat of the Armada to the Death of Elizabeth*, I. 43.

existence as a government problem, and if possible a little more—a typically Tudor attitude toward the subject.<sup>2</sup>

It is not to be inferred, however, that the comparative leniency of Elizabeth's government toward the Catholics was indicative of confidence in them. The constant surveillance which the government felt it necessary to maintain is a definite indication to the contrary. Lists of the Recusants living in each county were compiled and record kept of the financial condition of these individuals. At times of special stress directions were sent by the Privy Council that particular watchfulness be exercised.<sup>3</sup> Typical of the government's attitude is a letter sent by the Council to the lieutenants of Sussex at the time of the general preparation to resist the Spanish invasion. This letter, referring to those of Her Majesty's subjects who "most obstinately have refused to come to the church to prayers and divine service", states that "it is hardly adventured to repose that trust in them which is to be looked for in her other good subjects". The document proceeds to point out that "it is also certaine that such as should meane to invade the realme would never attempt the same, but uppon hope (which the fugitives and rebells abroad do give and assure them) of those bad members that alreadie are knowen to be recusants."<sup>4</sup>

This being the general attitude of the Privy Council, it is not surprising to find that as the danger of invasion from Spain became imminent the government should have taken steps to remove from among the soldiery those whose religious sentiments opened them to suspicion of disloyalty. At the same time provision was made to prevent the inclusion of Recusants in the new troops being organized. For the accomplishment of these purposes positive instructions were sent to muster-masters that the Oath of Supremacy should be administered to all officers and soldiers.<sup>5</sup> This oath of repudiation of the pope's authority was designed to test the loyalty of all who had enlisted. The same attitude on the part of the government is evidenced in the special instructions sent to the commissioners in Lancashire, that "none suspected in religion have the chardge of any number of soldiaurs".<sup>6</sup> Obviously if Catholics were to help resist the threatened invasion it would have to be in despite of government and conscience.

<sup>2</sup> Merriman, "Some Notes on the Treatment of the English Catholics in the Reign of Elizabeth", *American Historical Review*, XIII. 480 ff.

<sup>3</sup> *Acts of the Privy Council*, *passim*.

<sup>4</sup> The Council to the Lieutenants of Sussex, January 4, 1587/8, in Wright, *Queen Elizabeth and her Times*, II. 358.

<sup>5</sup> Hist. MSS. Comm., *Rept. XV.*, app., pt. V., *Foljambe MSS.*, pp. 22-23.

<sup>6</sup> *Id.*, *Rept. XIV.*, app., pt. IV., *Kenyon MSS.*, p. 594.

But the Privy Council went still further. It was not held sufficient to keep Recusants out of the army. As private persons they might be a very real source of danger in the day of trial. To prevent any such possibility it was decided that all Recusants should be disarmed. As early as March, 1585, we have a note in Lord Burghley's writing in which reference is made to a general muster and the disarming of the Recusants.<sup>7</sup> In 1586 definite steps were taken toward this end. Orders were sent into the counties directing the justices of the peace to collect all arms and armor owned by Recusants and to keep the same in some safe place. This measure was not one of confiscation but rather of removing an element of danger until fear of invasion might pass away. Later, in 1588, when the invasion had taken definite form, the Council notified the lords lieutenant of all the counties that this armor which two years before had been sequestered should now be sold for a fair price to such of "her Majesty's well affected subjects" as were unfurnished. The money received was to be turned over to the original Recusant owners. The instructions further directed that all other armor remaining as yet in the possession of Recusants should be taken from them and converted to the same use.<sup>8</sup>

Up to this point the English Catholics, though disqualified for military service and deprived of arms and armor, had been secure in their persons. Now the government, probably actuated by the fear that the Spaniards having once landed might be re-enforced by this disaffected part of the population, took its third and most stringent step. The Privy Council decided to double its surveillance and to consign Recusants of note temporarily to prison. Orders to this effect were accordingly issued. The fact that the letters to the lieutenants of Sussex and Lincolnshire containing these directions are extant, and that we have direct evidence of the orders being carried out by the lieutenant of Derby, Stafford, and Nottingham, and by the City of London would indicate that the movement was not confined to any one locality; but that the orders were general.<sup>9</sup> The instructions to the lieutenants of Sussex may be taken therefore to represent a government policy and as such merit examination.

After explaining the government's lack of confidence in the English Catholics in time of danger the letter continues,

<sup>7</sup> Hist. MSS. Comm., *Salisbury MSS.*, III. 96.

<sup>8</sup> *Acts of the Privy Council*, XVI. 38; Hist. MSS. Comm., *Rept. XII.*, app., pt. IV., *Rutland MSS.*, p. 246.

<sup>9</sup> The Council to the lieutenants of Sussex, January 4, 1587/8, Wright, *Queen Elizabeth and her Times*, II. 358; for London and Derbyshire, see *Rutland MSS.*, pp. 232, 238-239; for Lincolnshire, see Hist. MSS. Comm., *Rept. XII.*, app., pt. I., *Cowper MSS.*, I. 8-9.



It is therefore thought meet in these doubtfull tymes, they should be looked to and restrayned, as they shall neither be able to give assistance to the enemie, nor that the enemie should have any hope of reliefe and succour by them. Wherefore her Majestie's pleasure is, your Lordship shall cause due enquire to be made what number of recusants are in that countie, and what qualitie and abilitie they be of. Wherein such gentlemen as have been commissioners before in those matters, are able to instruct you. And therupon to cause the most obstinate and noted persons to be committed to such prysons as are fittest for their safe keeping. The rest that are of value, and not so obstinate, to be referred to the custodie of some ecclesiasticall persons and other gentlemen well affected, to remayne at the charges of the recusant, to be restrained in such sorte as they may be forthcoming, and kept from intelligence one with another.

The severe policy contained in these directions was rigidly carried into execution. A letter to the Earl of Rutland under date of December, 1587, contains a definite list of prominent Catholics and of the persons to whose custody they were assigned: "The Lord Vaux is committed to the Archbishop of Canterbury; Sir John Arundell to the Deane of Pawles; Sir Thomas Cornewallis to the Bishop of London; Sir Thomas Tresham to the Bishop of Lincoln; and so the other recusants of habite, severally comitted to the charge of severall persons."<sup>10</sup> The fact that this letter was written in the month preceding the directions from the Council to the lieutenants of Sussex may either indicate an earlier stage in the carrying out of the new policy, or merely that the orders to all the counties were not issued at exactly the same time.

We have an interesting bit of evidence as to the carrying out of the Council's orders in Derbyshire. On January 29, the Earl of Shrewsbury, who was lord lieutenant of that county as well as of Stafford and Nottingham, sent an order to his deputies for the apprehension of all Recusants.<sup>11</sup> The letter to the deputies in Derbyshire contains a list of persons under suspicion. The date and purport of this communication indicate clearly that it was written in pursuance of the general instructions received by Shrewsbury from the Council. The deputies in this instance must have proceeded very promptly, for within a week (February 4) the lord lieutenant followed up his first order by another letter, evidently in reference to certain Recusants already apprehended. He says, "No protection can be allowed, the matter having been determined by the absolute letters of the Council. I cannot grant to these who have been arrested more liberty than my warrant yields to them."<sup>12</sup>

<sup>10</sup> *Rutland MSS.*, p. 232.

<sup>11</sup> *Ibid.*, pp. 238-239.

<sup>12</sup> *Ibid.*

Similar evidence as to Lincolnshire leaves no doubt as to the enforcement of the government's severe policy in that county. Lord Burghley, lord lieutenant of Lincolnshire, had forwarded the Council's orders to his deputies. In carrying out these directions the deputy lieutenants were given grave concern by one John Thimelby, a prominent Recusant of Lincoln. They had required £300 bond of Thimelby, but he had unequivocally refused the condition which prohibited "conference with others of that sect". The deputies notified Burghley of the matter and informed him further that Thimelby "is now by the said deputies committed to the custody and safekeeping of Bartholomew Armin, Esquire . . . and in the mean time to have no conference or dealing willingly or wittingly with any other Recusant".<sup>13</sup>

There is no reason to believe that the policy so strenuously pursued in the spring of 1588 had been abandoned or relaxed when in July the Spanish fleet actually entered the English Channel. There is in fact direct evidence that the distrust and fear of the Recusants increased rather than diminished at the approach of the crisis.

On July 30, when the Armada, having failed to vanquish the English fleet, began its northward flight, Lord Shrewsbury wrote to John Manners concerning the urgent need for constant preparedness for an invasion that was still regarded as imminent. "Call before you the band of horsemen", the letter begins, "and see that they be completely furnished", and closes with the significant direction, "All those who have the custody of recusants must detain them close prisoners."<sup>14</sup>

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<sup>13</sup> *Cowper MSS.*, I. 8-9, Willoughby and Thorold to Burghley, March 15, 1588.

<sup>14</sup> *Rutland MSS.*, p. 256.

## DOCUMENTS

### *Protocols of Conferences of Representatives of the Allied Powers respecting Spanish America, 1824-1825*

THE last of the treaties ensuing upon the downfall of Napoleon provided, as is well known, for a joint occupation of French territory by military forces of the allied powers, to continue during a period of at least three years. To supervise the execution of these provisions, a committee or conference was instituted, to consist of the regular diplomatic representatives of the allies at the French court. This committee held frequent sessions, from 1815 to the evacuation of France by the allies in 1818; the range of its deliberations naturally extended often to many other matters related to the peace of Europe besides merely those necessarily arising from the occupation of French soil.

The temporary revival of this institution or habit, for a special purpose, in 1824-1825, was the occasion of the following documents, found in the archives of the Ministry of Foreign Affairs at Paris by Mr. Waldo G. Leland, of the Carnegie Institution of Washington.

In the intervening years, the congresses or conferences of Aix-la-Chapelle, Troppau, Laibach, and Verona had made their various endeavors to repress revolution and fortify monarchical authority in Europe. The French invasion of Spain in 1823 had restored the absolutism of Ferdinand VII. in that country, and naturally revived in the Spanish government the hope of recovering the revolted colonies in America. The Russian ambassador at Madrid, General Tatishchev, seems to have been especially active in fanning those hopes. As early as August 23, 1823, Canning writes Rush that he has received unofficial notice "that so soon as the military objects in Spain are achieved . . . a proposal will be made for a Congress, or some less formal concert and consultation, specially upon the affairs of Spanish America".<sup>1</sup>

The actual invitation was issued on December 26, 1823, by the Spanish minister of foreign affairs, the Conde de Ofalia. It was sent in orders to the Spanish ambassador in Paris and the Spanish ministers at St. Petersburg and Vienna, of which a copy was enclosed to the British and Prussian ministers at Madrid; "the king

<sup>1</sup> *Writings of James Monroe* (ed. Hamilton), VI. 369.

has resolved upon inviting the cabinets of his dear and intimate allies to establish a conference at Paris, to the end that their plenipotentiaries, assembled there along with those of his Catholic Majesty, may aid Spain in adjusting the affairs of the revolted countries of America".<sup>2</sup>

The invitation to Great Britain was somewhat oblique, and though Chateaubriand, French minister of foreign affairs, made some efforts to persuade her to take part in the conference, Canning had no mind to do so.<sup>3</sup> The Monroe Declaration of December 2 was already on its way to Europe. Coupled with Canning's action toward recognition of the new republics, it operated at once to reduce within quite modest limits the scope of what the conference might reasonably hope to accomplish. Hugh Nelson, United States minister at Madrid, writes to Secretary Adams on January 16, 1824, that one of the diplomatic corps there had remarked to Appleton, secretary of the American legation, that the Declaration "had given the death blow to the proposed Congress at Paris for adjusting South American affairs".<sup>4</sup> Chateaubriand wrote in March to Polignac, French ambassador in London:

Si Sir Charles Stuart écrivait à M. Canning que nous avons repris des conférences, vous pourrez lui assurer qu'il ne s'agit que des anciennes et très-rare réunions que nous avons ici pour causer des affaires d'Espagne, comme de l'amnistie, de l'emprunt, de notre corps diplomatique à Madrid, des changements des ministres espagnols, etc.; mais qu'il n'est nullement question de conférences sur les colonies.<sup>5</sup>

Though the programme of the conferences was far from being so greatly reduced as Chateaubriand, perhaps not too ingenuously, had declared, it was now out of the question for it to take such large and decisive action, in the chief matter which it had been called to consider, as had been desired by Spain, and perhaps by Pozzo di Borgo. The main interest of the protocols which follow

<sup>2</sup> Ofalia to A'Court, December 26, 1823, in *British and Foreign State Papers*, XI. 54-57; Hansard, n. s., X. 713-714; *Annual Register* for 1824, pp. 102\*-103\*. Canning thought Metternich wrote the invitations; *Mémoires du Prince de Metternich*, IV. 97.

<sup>3</sup> Stapleton, *Political Life of George Canning*, II. 36. Canning to A'Court, January 30, 1824, in *British and Foreign State Papers*, XI. 58-63. See also his well-known conversation with Polignac, October 9, 1823, *ibid.*, pp. 52 ff. As to not including the United States, see Chateaubriand in Stuart to Canning, January 2, 1824, quoted by W. S. Robertson, "The Monroe Doctrine Abroad in 1823-1824", in *American Political Science Review*, VI. 552.

<sup>4</sup> Quoted by Robertson, *ibid.*, VI. 557.

<sup>5</sup> Chateaubriand, *Congrès de Vêrone; Guerre d'Espagne* (1838), II. 355. Chateaubriand fell from power, and was succeeded by Damas, a few days before the conferences began.

consists in their indications of what the allied powers would have liked to do if they could, in the vigorous but vain endeavors they made to show Ferdinand VII., in repeated lectures, the need of setting his house in order before embarking on ambitious projects of transatlantic reconquest, and in the full disclosure of what James Brown, American minister in Paris, proposed to the Comte de Damas, minister of foreign affairs, respecting Cuba.

#### RÉSUMÉ DE LA CONFÉRENCE DU 2/14 AOÛT 1824.<sup>6</sup>

La conference était composée de MM. le président du Conseil, le Ministre des affaires étrangères, les ambassadeurs de Russie et d'Autriche, le Ministre de Prusse et M. Zea Bermudez, nommé ministre des affaires étrangères de S. M. C.<sup>7</sup>

Les representans des quatre Cours alliées ont adressé à M. Zea les observations suivantes.

Que l'Espagne a besoin de s'occuper avec plus de succès qu'elle n'a fait jusqu'à présent, de concilier les esprits, et de rétablir le calme parmi ses habitans;

Que les mesures prises à cet effet quoique dictées par les intentions les plus pures, n'avaient pas produit l'effet désiré; Les unes ayant été trop violentes et par conséquent impraticables, et les autres mal exécutées par les autorités secondaires;

Que dans tous les pays où l'autorité royale a été rétablie après des revolutions qui ont compromis une grande partie de la population, la force des choses commande, non de chercher à augmenter les châtimens, mais de les réduire à tout ce qui est strictement indispensable à la sûreté de l'état, au bon exemple et à la satisfaction de la justice;

Que ce système offre plus de moyens de frapper les vrais coupables et dont l'impunité pourrait être dangereuse, qu'une persecution plus générale, parce que dans ce dernier cas le nombre amène la confusion, et parce que la justice s'arrête devant les punitions en masse;

Que le gouvernement, loin de s'associer aux irritations locales, justifiées ou non par les évènements précédens, doit contribuer à les calmer et à les contenir.

Le Roi seul est juge de la conduite de ses sujets et à lui seul appartient d'appliquer les peines ou les récompenses et d'en déterminer la mesure et la durée. Si dans chaque ville et dans chaque bourgade le parti qui se caractérise de royaliste, s'arroge d'interpréter la volonté du souverain et d'en exercer l'autorité, sous quelque prétexte que ce soit, la monarchie est paralysée ou compromise, sans que le zèle de ses partisans atténue, par les intentions, le mal qu'il fait réellement.

Les représentans ont convenu qu'à la suite de l'exaspération produite par les troubles qui ont agité l'Espagne, il a dû en résulter une réaction proportionnée, et ils aiment à convenir que cette circonstance doit être justement appréciée; mais ils pensent que l'action du gouvernement, loin d'encourager cette réaction ou de l'abandonner à sa violence naturelle

<sup>6</sup> Paris, Aff. Étr., Corresp. Pol., Espagne, vol. 727, fols. 323-327 v.

<sup>7</sup> Comte de Villèle, Baron de Damas, Count Pozzo di Borgo, Freiherr von Vincent, Freiherr von Werther, Don Francisco Zea Bermúdez (just appointed in place of the Conde de Ofalia).

doit chercher à la contenir, à la diminuer et finalement à l'éteindre, parce que toute résistance à l'autorité souveraine, n'importe quel en soit le prétexte, et tout sacrifice fait par le monarque à l'animosité des partis, le fait, pour ainsi dire, descendre de son trône et le met à la merci des passions de ceux qui doivent obéir aux lois et non pas les imposer.

Les représentans des alliés sont persuadés que c'est de la réconciliation des esprits et de la pacification intérieure de la péninsule que dépend le succès de toutes les autres mesures relatives aux différentes questions dont le Cabinet de Madrid et l'Europe sont si fortement occupés.

La tranquillité de la monarchie amènera le rétablissement de l'administration, facilitera le paiement des impôts, encouragera le crédit, et fournira au gouvernement les moyens d'agir sur les points éloignés, où son influence est attendue et désirée en vain depuis si long-tems.

La nécessité de contracter un emprunt sur des bases solides et d'adopter un système général de crédit, capable de procurer des ressources réelles à l'Espagne, a été également démontrée.

Les représentans ont observé que le discredit du gouvernement espagnol était l'effet de l'inconstance de son administration, de la transaction désavantageuse et illusoire faite avec la maison Guebhard,<sup>8</sup> de l'inquiétude sur la bonne foi des promesses et sur la validité des moyens de satisfaire aux engagements, enfin d'une foule de causes qu'il est instant de faire disparaître si l'on ne veut pas se condamner à l'impossibilité d'agir, et par conséquent à voir s'augmenter la faiblesse et la confusion dans laquelle on s'agite jusqu'à présent.

Après avoir indiqué en général ce qu'il serait désirable de voir exécuter immédiatement par le gouvernement espagnol et ce qui est applicable à la situation de la mère patrie, la conférence s'est occupée de la question et de la situation des colonies.

Les puissances du continent en reconnaissant les droits de S. M. C. sur ces vastes possessions, ont déclaré qu'elles devaient rentrer sous la domination de leur souverain légitime.

L'Angleterre, sans contester le droit primitif, a voulu le considérer comme éteint par le fait, et a menacé de reconnaître l'indépendance des pays insurgés. Cette résolution a été suspendue temporairement, sans néanmoins qu'il existe aucune donnée assez probable qu'elle le sera pour longtems.<sup>9</sup>

Le seul moyen de fortifier les principes de l'Espagne et de ses alliées, et de conjurer les dangers qui nous menacent à cet égard de la part

<sup>8</sup> Before the liberation and restoration of Ferdinand VII., the Spanish regency had contracted a loan of 334 million reals from the house of Guebhard in Paris, with disadvantageous results.

<sup>9</sup> The reference no doubt is to the expressions used in Canning's despatch of January 30, 1824, to Sir William A'Court, envoy extraordinary at Madrid, a despatch communicated to the foreign ambassadors in London on February 1, or to Liverpool's speech in the House of Lords on March 15. The text of the former is in *British and Foreign State Papers*, XI. 58-63; Hansard, n. s., X. 715-719; *Annual Register* for 1824, pp. 104\*-107\*. The latter is in Hansard, n. s., X. 992-1003. See also Wellington to Metternich, February 24, in *Supplementary Despatches*, II. 221-226. Also, Canning had on July 30 had a long talk with Zea Bermúdez, just before the latter left his post as Spanish minister in London to become minister of foreign affairs at Madrid. Stapleton, *Some Correspondence of George Canning*, I. 151.



de la grande Bretagne, consiste évidemment dans les efforts que le cabinet de Madrid sera capable de faire pour venir au secours de ceux de ses sujets américains qui sont restés fidèles, et pour mettre un terme à cette inaction qui est caractérisée d'impuissance absolue, et qui est regardée comme une renonciation de fait aux droits qu'on réclame sans cesse et qu'on ne fait valoir jamais. En examinant ce grand objet dans tous ses rapports, il est évident que le renouvellement du combat au Mexique et sur la côte ferme obligera les ennemis de l'Espagne à en attendre l'issue; dans le cas contraire, ils jugeront la question comme entièrement perdue par S. M. C. et se conduiront en conséquence, sans qu'il soit possible d'arrêter leur violence ou d'en appeler à leur équité.

En parlant de la soumission des colonies à la mère-patrie, les représentans des souverains alliés entendent que cet événement doit être accompagné de toutes les concessions commerciales capables de satisfaire aux besoins des habitants de ces contrées et aux justes réclamations des puissances étrangères; déjà S. M. C. a annoncé les projets les plus équitables sur ce sujet important.<sup>10</sup> La conférence renouvelle ses instances pour que les réglemens qui doivent s'y rapporter, ainsi que ceux concernant l'administration intérieure de ces pays, reçoivent leur développement, et pour qu'ils puissent être bientôt présentés aux deux mondes, comme un grand monument de la sagesse du Roi et un moyen triomphant de concilier tous les intérêts.

Il a été observé qu'il semblait s'élever en Espagne une opinion fautive et dangereuse, tendante à diviser le Roi Catholique de ses alliés et à exciter la discorde entre l'armée française et le peuple et les troupes espagnoles sous le prétexte de se défendre contre l'influence étrangère.<sup>11</sup>

Ces insinuations criminelles ne peuvent qu'être l'ouvrage des ennemis communs; les représentans des puissances sont persuadés que S. M. C. les juge avec la même sévérité et qu'elle prendra toutes les mesures pour punir ceux qui en sont les auteurs avec de mauvaises intentions, et pour éclairer les autres qui tomberaient dans les pièges des ennemis de notre union.

Tout loyal espagnol doit savoir que l'intervention étrangère n'a eu d'autre objet que celui d'aider la nation et le Roi à se délivrer du joug des révolutionnaires et que la présence de l'armée française est destinée uniquement à fournir le tems et l'occasion au Monarque de contenir les ennemis de son trône, et d'organiser une force loyale et suffisante parmi ses sujets, afin de remplir par ses propres moyens le but désiré.

L'époque où le sentiment de la sûreté fera souhaiter à S. M. C. la fin d'un tel secours, ne manquera pas de causer une satisfaction universelle, parce qu'elle sera la preuve que la révolution est vaincue et que l'Espagne, d'accord avec elle même, est rentrée dans son état naturel.

La conférence a pris également en considération la situation du Portugal. Les représentans ont convenu que la revolte du 30 avril

<sup>10</sup> Decree of the King of Spain, permitting foreigners to trade with Spanish America, February 9, 1824. *British and Foreign State Papers*, XI. 864-865. But, besides the decree of December 25, 1823, abolishing the constitution of 1820, King Ferdinand had also issued a decree, February 26, annulling the powers and acts of the commissioners sent by the late government to negotiate with the American colonies. *Ibid.*, XI. 862-864, 865.

<sup>11</sup> See Fr. Rousseau, "L'Ambassade du Marquis de Talaru en Espagne, Juillet 1823-Août 1824", in *Revue des Questions Historiques*, XC. 86-116.

dernier<sup>12</sup> et jours suivans, était criminelle par sa nature, et qu'elle pouvait devenir funeste à l'existence du Roi;

Que les mesures prises pour l'étouffer ont mérité l'approbation de toutes les cours;

Que néanmoins la promesse faite à la suite de ces événemens par S. M. T. F.<sup>13</sup> de vouloir convoquer les cortès du Royaume présentait des inconvéniens graves;

Que le projet communiqué par le M<sup>is</sup> de Palmela aux Ministres de l'alliance de vouloir proposer à ces mêmes cortès de nouveaux réglemens relatifs à la régence, en altérant les anciennes lois et en excluant les personnes qui y sont appelées de droit, paraissait devoir provoquer des divisions sanglantes;

Qu'au lieu d'encourager des démarches aussi hasardées il semblait plus prudent de conseiller, de suspendre les unes et d'écarter les autres, et surtout de se garder de porter dans des mesures aussi vitales un esprit de vengeance ou de réaction qui ne manquerait pas de provoquer les plus fortes résistances.

Les représentans ont recapitulé tout ce qui avait été écrit à Lisbonne sur ce sujet et, ils ont convenu de continuer à agir dans le même sens et de témoigner à S. M. T. F. les mêmes sentimens.<sup>14</sup>

M. Zea Bermudez a reçu toutes ces observations avec la gravité qu'elles méritent, et S. Exc. a promis de les porter à la connaissance de son auguste maître, des qu'elle sera rendue à son poste.

[RÉSUMÉ DE LA CONFÉRENCE DU 31 AOÛT 1824.]<sup>15</sup>

[This conference was attended by those present at the conference of August 2/14, and also by the Marquis de Talaru, French ambassador to Spain, just returned from Madrid, and the Baron de Maltzahn, Prussian ambassador to Great Britain.

No American affairs were considered at this session.]

<sup>12</sup> Dom Miguel, second son of King John VI. of Portugal (the elder, Dom Pedro, was already emperor of Brazil) had on April 29-30, 1824, executed a *coup d'état* which had for a few days placed king and government in the hands of the absolutists. His exile, May 12, had been followed by decrees of June 4 and 5, annulling the acts of the recent constitutional Cortes and providing for the restoration of the Cortes of the kingdom under its ancient forms. Judice Biker, *Supplemento á Collecção dos Tratados*, XX. (XII.) 362-371; *British and Foreign State Papers*, XI. 855-860.

<sup>13</sup> It may not be superfluous to remind readers that "Sa Majesté Très-Fidèle", or in English "His Most Faithful Majesty", was the customary designation of the King of Portugal, analogous to "Sa Majesté Très-Chrétienne" and "Sa Majesté Catholique" in the case of the kings of France and Spain.

<sup>14</sup> The six paragraphs preceding, relating to Portugal, are printed in Judice Biker, *Supplemento*, XX. 452. They had been communicated before October 2 to the Marquez de Palmella, Portuguese minister of foreign affairs, by an agent of one of the allied powers. See his letter to A'Court, October 14, and his memorandum on these paragraphs, *ibid.*, XX. 444-452. The latter explained that whatever Palmella had proposed regarding the succession or regency was *not* contrary to the ancient laws of the monarchy. The desire of the ministry was to exclude the queen from the regency. *Mémoires de Metternich*, IV. 103. The action of the Paris conference was in effect to support the Conde de Suberra against the Marquez de Palmella, French and Spanish influence at Lisbon against British.

<sup>15</sup> Paris, Aff. Étr., Corresp. Pol., Espagne, vol. 728, fol. 111.

RÉSUMÉ DE LA CONFÉRENCE DU 8 JANVIER 1825.<sup>16</sup>

Les membres présens sont M. Le Ministre des Affaires Etrangères, les Ambassadeurs d'Autriche et de Russie, et le Ministre Plenipotentiaire de Prusse.<sup>17</sup>

Le Ministre des Affaires Etrangères fait part à MM. les membres de la Conférence des communications verbales qui lui ont été faites par Monsieur l'Ambassadeur d'Angleterre<sup>18</sup> sur les dispositions de sa Cour envers l'Amérique Espagnole. Lord Granville lui a déclaré qu'un Traité de commerce allait être conclu par son Gouvernement avec le Mexique et la Colombie; il n'y aura pas de reconnaissance formelle, mais ce traité sera ratifié par S. M. Britannique.<sup>19</sup>

Mr. l'Ambassadeur expliquant les motifs de cette transaction a rappelé que dès le 8 février de l'année dernière son Gouvernement avait annoncé par une note officielle qu'il ne reconnaîtrait pas les nouveaux Etats, formés en Amérique, avant d'avoir reçu des renseignemens précis qui lui permissent de les considérer comme suffisamment constitués. Ces rapports sont arrivés: le Mexique et la Colombie ont affirmé leur existence: l'Espagne a refusé la médiation qui lui était offerte par l'Angleterre pour concilier ses différends avec eux; et les intérêts commerciaux de la Grande Bretagne exigent de la protection efficace de la part de son Gouvernement. Si les Anglais ont formé des établissemens dans ce pays, s'ils y ont augmenté les placemens de leurs Capitaux, l'Espagne elle même ne pouvait pas le désapprouver; elle avait reconnu la nécessité d'ouvrir le commerce de l'Amérique Espagnole aux autres Nations, et ces relations qui se suivaient, de l'aveu même de l'Espagne, sont devenues trop importantes pour continuer d'être dans une situation précaire. La Grande Bretagne ne peut point sacrifier tous les avantages commerciaux qui lui sont offerts. Elle ne prétend pas néanmoins en obtenir d'exclusifs; elle ne veut rien stipuler de contraire aux intérêts commerciaux de l'Espagne; elle continue de lui offrir sa médiation dans les différends qui subsistent entre l'Espagne et les Etats nouv. formés; et si elle avait pu attendre du Cabinet de Madrid une prompte détermination et une réponse satisfaisante aux propositions d'arrangemens qu'elle avait faites depuis un an, elle aurait pu suspendre encore ses démarches, mais les temporisations habituelles du Gouvernement Espagnol n'ont pas permis de l'espérer; et les avis que l'Angleterre avait donnés long-tems d'avance justifient pleinement sa conduite envers le Mexique et la Colombie. Buenos-Ayres étant dans la même situation rend nécessaire un arrangement de même nature. Il n'en est pas de même du Chili dont la situation n'est pas bien connue. Quant au Pérou où la lutte existe encore, le Gouvernement de la Grande Bretagne ne peut mécon-

<sup>16</sup> *Ibid.*, vol. 731, fols. 55-58 v.

<sup>17</sup> Damas, Vincent, Pozzo di Borgo, Werther. King Louis XVIII. had died on September 16; Charles X. was now king.

<sup>18</sup> Viscount Granville, afterward the first Earl Granville, had in October succeeded Sir Charles Stuart as British ambassador in Paris.

<sup>19</sup> The treaty with Colombia was not signed until April 18, 1825, that with Mexico (rejected by Canning) not until April 6; but the intention of the British Cabinet was made known to the foreign ministers on January 1, 1825. Hertslet, *Treaties*, III. 61, 254. Canning to Bagot, December 31, 1824; Bagot, *George Canning and his Friends*, II. 277; Stapleton, *George Canning and his Times*, pp. 425, 428-432.

naître les droits de la mère patrie. Après avoir ainsi exposé à MM. les Membres de la Conférence les explications données par Mr l'Ambassadeur d'Angleterre, le Ministre des Affaires Etrangères leur a fait part de la réponse également verbale qu'il avait faite à cette communication. Ce Ministre a déclaré à Mr l'Ambassadeur que, s'il en était encore tems, il désirait que l'Angleterre réfléchit à toutes les conséquences d'une mesure si grave avant de l'adopter : mais que si son parti était irrévocable, le Gouvernement français ne pouvait que voir avec peine une Détermination qui tendait à briser les liens de l'Espagne avec ses possessions d'Amérique, et qu'il faisait des vœux pour qu'elle n'amênât point une nouvelle complication dans les affaires, en favorisant les déchiremens de cette monarchie. Quelqu'importance que l'Angleterre put attacher à ses intérêts commerciaux, d'autres intérêts devaient aussi être ménagés. Sans prétendre s'ingérer dans les motifs qui dirigeaient la politique du Gouvernement Britannique, il était permis de ne pas croire que les gouvernemens fussent obligés de céder sur des questions qui intéressent l'ordre social tout entier, aux vœux ardents et peu réfléchis d'une classe de mécontents. Le Commerce Anglais paraissait suffisamment protégé par les vaisseaux de cette Puissance. Quant aux offres de médiation que le Gouvernement Britannique avait faites, il n'y avait pas lieu de s'étonner que l'Espagne ne les eût point acceptées puisqu'elles établissaient pour condition première l'indépendance des nouveaux Gouvernemens d'Amérique.

MM. les Ambassadeurs d'Autriche et de Russie et le Ministre Plénipotentiaire de Prusse, après avoir entendu ces communications, ont déclaré qu'ils n'avaient pas d'Instructions directes de leurs Gouvernemens sur l'objet de la communication qui venait de leur être faite, néanmoins ils croient les sentimens de leurs Cours absolument conformes à ceux qui leur sont exprimés par le Gouvernement français. Ils pensent avec lui qu'il convient moins à l'Espagne de faire éclater ses plaintes et de s'abandonner au ressentiment que peuvent lui inspirer les dispositions de l'Angleterre envers ses possessions d'Amérique que de poursuivre avec calme sa restauration, que de relever ses ressources, son crédit, sa Puissance et de se mettre en état de profiter des chances favorables que peut faire naître l'avenir pour rétablir la Souveraineté de l'Espagne en Amérique.

La prospérité rendue à cette Monarchie ne peut qu'avoir une Salutaire influence sur toutes ses relations, et les mesures qu'elle prendra pour mettre en valeur les ressources qui lui restent peuvent seules lui donner les moyens de faire valoir ses droits et de réparer en Amérique avec plus d'avantages.

#### RÉSUMÉ DE LA CONFÉRENCE DU 20 JANVIER 1825.<sup>20</sup>

Les Membres présens sont MM. les Abassadeurs d'Autriche et de Russie, le Ministre Plénipotent're de Prusse et le Ministre des Affaires Etrangères.

Après s'être mutuellement donné connaissance des nouvelles qu'ils ont reçues de Madrid, les Membres de la Conférence, pénétrés des dispositions de leurs Souverains en faveur de l'Espagne, et des obligations qui en résultent pour eux, ont porté particulièrement leur attention sur le projet de réponse du gouvernement espagnol à la notification

<sup>20</sup> Paris, Aff. Étr., Corresp. Pol., Espagne, vol. 731, fols. 95-98v.

récente du Cabinet anglais, relative aux colonies insurgées de l'Amérique.<sup>21</sup>

Les Membres de la Conférence en approuvant les sentimens qui ont dicté ce projet, ne peuvent adhérer à toutes les dispositions qu'il renferme. Ils pensent que dans l'état actuel des choses, l'Espagne ne peut, sans manquer à sa dignité et à ce qu'elle doit à ses alliés, accepter, par des arrangemens avec ses colonies, la médiation isolée de l'Angleterre.

En effet, S. M. C'que, en déclarant qu'*Elle est prête à assurer aux Colonies qui rentreraient dans l'obéissance, tous les avantages de commerce et d'administration intérieure qu'elles pourront raisonnablement désirer, ou que l'on jugera utile de leur accorder*, veut et entend que ses Colonies rentrent sous son autorité. Le souverain qui a refusé jusqu'à présent la médiation de l'Angleterre parce qu'elle était offerte sous la condition qu'il reconnaîtrait l'indépendance de ses colonies, ne pourrait convenablement accepter cette médiation aujourd'hui qu'elle serait précédée de la reconnaissance même.

Le gouvernement espagnol doit donc à sa propre dignité de chercher de plus en plus à resserrer ses liens avec l'alliance, et à s'engager dans les voies salutaires qu'elle lui a indiquées. Les Membres de la conférence sont d'avis que sans attendre les déterminations qui pourront être prises par le Gouvernement britannique après qu'il aura reçu la réponse de l'Espagne, celle-ci doit se hâter, ainsi qu'elle le propose, de mettre à exécution le décret qui proclame la liberté du commerce de ses colonies, et d'adopter toutes les conséquences qui en résultent.

Les droits légitimes des peuples autant que l'intérêt de la Péninsule exigent encore que l'Espagne assure dès aujourd'hui aux colonies restées sous son obéissance les avantages d'administration intérieure qu'elles peuvent désirer et qu'il sera jugé utile de leur accorder.

Ces mesures proposées par le Gouvernement espagnol lui même dans le projet de réponse qui est sous les yeux de la Conférence, sont conformes aux vœux de l'alliance, parce que S. M. C'que ne peut rien faire qui s'accorde mieux avec les intérêts de ses peuples comme avec les sentimens de son coeur, ni qui soit plus propre à consolider son autorité.

L'opinion des Membres de la Conférence est que ces mesures doivent être prises indépendamment de tout sentiment personnel pour ou contre la nation qui reconnaît l'émancipation des colonies espagnoles; et que si l'Espagne effectuait l'espèce de menace renfermée dans son projet de réponse en refusant à l'Angleterre les avantages commerciaux qui seront offerts aux autres nations, elle compliquerait d'une manière nuisible l'importante question qui occupe la Conférence.

Par ces motifs, les Membres de la Conférence se déterminent à prier le Chevalier de Los Rios, Ministre de S. M. C'que à Londres de suspendre son départ jusqu'à l'arrivée du courrier qui doit lui apporter la réponse de son Cabinet,<sup>22</sup> afin que cette réponse dont ils pensent que le gouvernement espagnol voudra leur donner communication puisqu'elle touche aux grands intérêts sur lesquels ils sont consultés puisse, pour l'avantage même de l'Espagne, être examinée par les Ministres de ses alliés, avant d'être remise au Gouvernement britannique.

<sup>21</sup> Zea Bermúdez wrote to the British chargé d'affaires at Madrid, January 21, an official response to this same notification; Canning's rejoinder, of March 25, is in *British and Foreign State Papers*, XII. 909-915.

<sup>22</sup> Of January 21. Same account of it will be found in Stapleton, *Political Life of George Canning*, II. 81-82; extracts in Paxson, *The Independence of the South American Republics* (second ed.), pp. 245-246.

Il a été également décidé dans la Conférence que les Représentans des Cours alliées à Madrid seront invités à insister auprès du gouvernement espagnol pour qu'il s'empresse de suivre le système dont il a déjà reconnu lui-même la nécessité et pour qu'il détermine promptement les mesures qu'il se propose de prendre, soit afin d'améliorer l'administration de ses colonies, soit afin d'assurer l'effet de son décret sur la liberté du commerce, par l'établissement d'un tarif de douanes et par les autres dispositions qui doivent résulter de ce décret. Les Membres de la Conférence désirent que ces dispositions puissent leur être communiquées avant de recevoir leur exécution. Ils reconnaissent que pour négocier efficacement avec les populations insurgées de l'Amérique il faut que les Colonies fidèles commencent à jouir dès aujourd'hui des bienfaits d'une administration meilleure, et d'une liberté de commerce qui est devenue un besoin pour les peuples. Il faut que les actes d'une Administration sage et éclairée fassent regretter aux Insurgés l'autorité paternelle et bienveillante à laquelle ils se sont soustraits.

Une trop funeste expérience a dû apprendre au gouvernement espagnol tous les maux qui résultent de l'inaction où il est resté jusqu'à présent. Si le Cabinet de Madrid, plus confiant dans les conseils de ses alliés, avait adopté franchement, dès l'année dernière, les conséquences du décret qu'ils avaient obtenu de lui par [pour] la liberté du commerce; s'il avait, dès lors, accordé à ses colonies les avantages administratifs que ses alliés lui ont tant de fois demandés, il y a lieu de croire que le gouvernement britannique n'aurait point reconnu l'indépendance des Insurgés, peut-être même les populations rebelles, loin de persévérer dans leur révolution, ne songeraient maintenant qu'à rentrer sous la domination légitime.

Il est donc essentiel que le gouvernement espagnol adopte promptement la marche que ses alliés lui indiquent, car le moindre retard entraînerait de nouveaux malheurs aux quels il ne serait pas possible de porter remède.

Les Membres de la Conférence parlent avec d'autant plus d'assurance, qu'ils ont obtenu l'approbation de leurs augustes maîtres pour tout ce qui a été dit et fait dans les réunions de Paris. A ce sujet, Mr l'ambassadeur de Russie a lu une dépêche du 18/30 décembre dernier par laquelle S. M. Imp<sup>le</sup> donne une entière approbation aux avis donnés par la Conférence, regrette vivement que le gouvernement espagnol ait suivi trop long-tems un système si nuisible, et ordonne à son Ministre de redoubler d'efforts pour que ce gouvernement entre enfin avec une volonté ferme et une entière persévérance dans les vues de ses alliés, pour le bonheur des peuples espagnols et pour le rétablissement du trône de leur Roi sur des bases inébranlables.

Les Membres de la Conférence, heureux d'avoir rempli la mission qui leur était confiée, reconnaissent que S. M. C<sup>te</sup> seconde efficacement leurs efforts: déjà, grâce à sa sollicitude, on a vu s'affaiblir la domination des partis, domination qui résulte presque toujours du trouble et du désordre, mais qu'une main ferme sait arrêter; et le gouvernement espagnol, plus libre de leur influence, suit moins lentement la ligne de restauration qui lui est tracée. Un ordre royal a soustrait récemment les officiers appelés *Indefinidos*<sup>23</sup> aux mesures vexatoires aux quelles ils

<sup>23</sup> Army officers whom an ultra-reactionary administration had suspended from the service for the benefit of extremists of their own party, while the former were compelled to await a prejudiced inquisition into their politics.



étaient en butte. Cette mesure et plusieurs autres semblables qui se sont succédé[es] depuis près de trois mois, annoncent la ferme détermination d'arrêter les réactions: elles amortiront, si elles se multiplient, les haines particulières et ôteront aux factieux tout prétexte pour agiter les peuples. Sans doute des mesures si salutaires ne peuvent être prises sans quelques efforts; mais ces courageux essais accroîtront l'autorité de S. M. C<sup>te</sup>. En dégageant le gouvernement espagnol d'une foule de soins, ils lui permettront de reconnaître et de détruire les nombreux abus de l'administration, de rétablir les finances et de préparer pour l'Espagne une restauration complète et générale.

RÉSUMÉ DE LA CONFÉRENCE DU 28 JANVIER 1825.<sup>24</sup>

Les Membres Présens sont MM. les Ambassadeurs d'Autriche et de Russie, le Ministre Plénipotentiaire de Prusse, Monsieur le Chevalier de Los Rios, Ministre Plénipotentiaire d'Espagne à Londres et le Ministre des Affaires Etrangères.

Les Membres de la Conférence se sont entretenus de la réponse faite par le Cabinet de Madrid à la communication qu'il avait reçue de l'Angleterre sur la reconnaissance des Colonies. Ils ont remarqué la dignité de cette réponse, la force des motifs que l'Espagne y fait valoir sur la légitimité de ses droits, sur les dangers de toute nature que leur violation peut entraîner sur les avantages commerciaux dont les Etrangers étaient admis à jouir dans ses Colonies en vertu de ses ordonnances Royales, avantages d'autant plus assurés que ces Colonies seraient plus tranquilles sous l'autorité de la Mère-patrie.

Cette note qui a été remise à Monsieur Bosanquet, chargé d'affaires de la Grande Bretagne, à Madrid,<sup>25</sup> et qui doit être également remise à Mr Canning par Mr De Los Rios a été approuvée par MM. les Membres de la Conférence. Ils inviteront les Ministres des Cours alliées pres du Gouvernement Britannique à chercher les moyens d'appuyer les démarches de Mr De Los Rios.

Le Ministre des Affaires Etrangères a communiqué aux Membres de l'Alliance le sujet de sa dernière Conférence avec Mr l'ambassadeur d'Angleterre. Lord Granville lui a remis l'extrait d'une dépêche adressée par Mr Canning à Mr Bosanquet, portant que l'Angleterre s'engage à ne demander aux nouveaux gouvernemens de l'Amérique Espagnole aucun privilege en sa faveur. Il l'a informé des instructions que doivent recevoir les Commissaires anglais pour traiter avec ces Gouvernemens.<sup>26</sup>

Le Sens de ces instructions est que l'on ne traitera avec les nouveaux Etats qu'autant qu'ils auront la volonté ferme et inébranlable de ne jamais se soumettre à la Mere-patrie; qu'ils auront des moyens suffisans pour s'opposer à toutes les tentatives que l'Espagne pourrait faire, et que leur existence sera assez solidement garantie pour qu'on puisse établir avec eux des relations durables.

Une ancienne Dépêche qui remontait au commencement de 1823, a encore été communiquée par Mr. l'ambassadeur d'Angleterre. Son gouvernement offrait alors à l'Espagne de garantir l'isle de Cuba de

<sup>24</sup> Paris, Aff. Étr., Corresp. Pol., Espagne, vol. 731, fols. 163-164.

<sup>25</sup> Bosanquet was chargé at Madrid from the time when A'Court went to Lisbon until the arrival of Frederick Lamb, appointed minister to Spain February 18, 1825. As to the reply of the Spanish Cabinet, see above, notes 21 and 22.

<sup>26</sup> See Bagot, p. 277.

toute attaque extérieure, il proposait de le faire avec ses vaisseaux, à ses dépens, sans demander l'occupation de quelque point de l'isle et sans stipuler aucun avantage en sa faveur. L'Espagne ne répondit pas, et cette proposition n'eut aucune suite. L'Angleterre ne communique aujourd'hui cette Dépêche que comme un gage de sa bonne foi, et afin de la constater par des faits.

Les Membres de la Conférence rendront compte à leurs Cours de cette communication.

#### RÉSUMÉ DE LA CONFÉRENCE DU 17 FEVRIER/1 MARS 1825.<sup>27</sup>

Présens:

M. M.

L'Ambassadeur d'Autriche

Le Ministre des affaires Etrangères de France

L'Ambassadeur de Russie

Le Ministre de Prusse.

M. L'Ambassadeur de Russie a fait lecture à la conférence d'une dépêche de sa cour en date du 9 février dans laquelle sont articulés les motifs qui doivent décider les souverains alliés à persister dans les principes constitutifs et conservateurs de l'alliance et par conséquent dans la résolution prise, non seulement de ne pas reconnaître l'indépendance des Gouvernemens révolutionnaires qui se sont formés dans les différentes parties de l'Amérique Espagnole, mais de continuer à l'Espagne leur secours moral et de la mettre à portée de profiter de toute leur influence afin qu'elle parvienne à faire valoir et à rétablir ses droits de possession et de souveraineté sur les contrées insurgées.

Les Membres de la Conférence ont remarqué que cette dépêche indiquait l'urgente nécessité où se trouve le Gouvernement Espagnol de réorganiser le plus promptement possible l'administration intérieure du royaume; de réconcilier les habitants, d'établir l'ordre dans les finances, de coordonner enfin les forces de la Monarchie, de manière à les rendre disponibles et à les mettre en état de se porter partout où elles pourraient soutenir les droits de sa Majesté Catholique. En conséquence ils ont jugé qu'il sera infiniment utile de faire parvenir à M. le Ministre de Russie à Madrid<sup>28</sup> le contenu de la même dépêche avec prière de la communiquer à ses collègues dans le but de se concerter ensemble et d'arriver aux expédients les plus propres à porter Sa Majesté Catholique et son Ministère à en adopter les maximes.

La Conférence a également pris connaissance de la dépêche du Cabinet de St. Pétersbourg adressée à M. le Comte de Liewen et destinée à servir de réponse verbale à la communication faite sous la même forme par le Ministère Britannique relativement aux traités de commerce qu'il fait négocier avec les Gouvernemens révolutionnaires de Buenos-Ayres, de la Colombie, et du Mexique, et à la reconnaissance de fait qui en serait le résultat.<sup>29</sup>

Les membres réunis regardent les principes consacrés par la note du

<sup>27</sup> Paris, Aff. Étr., Corresp. Pol., Espagne, vol. 731, fols. 331-332.

<sup>28</sup> Count d'Oubril.

<sup>29</sup> On this communication, and Canning's evasion of the efforts made with it by Count Lieven, Prince Esterhazy, and Baron Maltzahn, see Canning's amusing letter of March 4, 1825, to Granville, in Stapleton, *George Canning and his Times*, pp. 429-431.

Cabinet de Russie comme conformes au droit des gens et aux traités qui ont servi de base à la reconstruction politique et à la pacification de l'Europe, ainsi qu'aux doctrines professées à cet égard par leurs Cours respectives.

L'Ambassadeur de Russie a communiqué en outre à la conférence, une dépêche en date du 19/31 janvier dans laquelle l'Empereur son maître justement frappé des expressions du discours tenu par le Sr. Quartel qui se qualifie d'Agent du gouvernement des Pays bas auprès des autorités révolutionnaires de la Colombie, invite les cours alliées à faire des démarches par leurs représentans pour que Sa Majesté Néerlandaise veuille s'abstenir de tout acte de déclaration ou traité tendant à reconnaître directement ou indirectement l'indépendance des Gouvernemens revolutionnaires susdits. L'Ambassadeur de Russie a ajouté que son auguste maître empressé de prévenir toute détermination précipitée et contraire aux vues de l'alliance de la part du Roi des Pays bas, venait d'adresser des ordres supplémentaires au Comte Gourieff, son chargé d'affaires, à Bruxelles,<sup>30</sup> afin que celui-ci fasse connaître à cette Cour d'une manière amicale et confidentielle les intentions et la juste sollicitude du cabinet Impérial. Les Membres de la Conférence ont observé qu'ils avaient déjà pris cette matière en considération selon les principes et dans le but indiqué par la Cour de Russie. M. le Baron de Damas a ajouté que les mêmes vœux avaient été émis au nom du Roi, auprès du gouvernement des Pays-bas et que celui-ci ayant désavoué le discours attribué à M. de Quartel semblait désavouer aussi le projet qu'on paraissait lui supposer de vouloir reconnaître l'indépendance des autorités révolutionnaires.

M. l'Ambassadeur d'Autriche et M. le Ministre de Prusse ont déclaré n'avoir pas encore reçu de leurs Cours respectives les ordres nécessaires pour les autoriser à faire auprès du Gouvernement des Pays-bas les démarches proposées par le Cabinet de Russie. La Conférence s'est par conséquent réservé de prendre cet objet en considération lorsque les ordres susmentionnés seront parvenus.

#### RÉSUMÉ DE LA CONFÉRENCE DU 6 MARS 1825.<sup>31</sup>

Présens M M.

Les Ambassadeurs d'Autriche et de Russie, Le Ministre Plenip'e de Prusse et le Ministre des Affaires Etrangères.

Les Membres de la Conférence ont remarqué que la pénible situation de l'Espagne à l'égard de ses colonies d'Amérique se trouvait encore aggravée par les discussions de cette Puissance avec les Etats-Unis.

Les Américains réclament l'exécution pleine et entière du traité du 22 février 1819, en vertu duquel l'Espagne leur a cédé les florides; ils se plaignent de ce que les Archives et documens qui concernent la propriété et la Souveraineté de ces provinces ne leur ont pas été remis.<sup>32</sup>

<sup>30</sup> It will be remembered that at this time the capital of the kingdom of the Netherlands was Brussels. The young Count Guriev, son of the Russian minister of finance, was Nesselrode's brother-in-law, lately appointed to the diplomatic service.

<sup>31</sup> Paris, Aff. Étr., Corresp. Pol., Espagne, vol. 731, fols. 368-369v.

<sup>32</sup> The history of this matter may be traced in Hill, *Descriptive Catalogue of the Papeles de Cuba* (Carnegie Institution of Washington, 1916), pp. xxii-xxiii; in Pérez, *Guide to the Cuban Archives*, pp. 76-77; and in *American State Papers, Foreign Relations*, IV. 740-808.

Et comme des Corsaires, illégalement armés dans l'isle de Cuba infestent les mers des Antilles, des propositions ont été faites au Congrès, pour qu'il augmentât le nombre des bâtimens armés en guerre et pour qu'il autorisât la marine des Etats-Unis à Poursuivre à terre les Pirates, et à bloquer les portes où ils se seraient réfugiés.<sup>33</sup>

L'opinion des Membres de la Conférence est que l'Espagne ne pourrait pas sans accroître encore ses embarras prolonger avec les Etats-Unis ses contestations, et qu'Elle doit leur remettre tous les documens indiqués dans le traité de Cession.

L'impunité des Pirates dans les Colonies qui lui appartiennent exposerait l'Espagne à des dangers encore plus graves. Ce Gouvernement ne saurait prendre de trop promptes mesures pour arrêter et punir la piraterie. La répression de ce fléau intéresse toutes les nations Commerçantes autant que ses propres sujets: il faut qu'il les rassure par la sévérité de ses lois contre les forbans, et surtout par des poursuites effectives. L'Espagne ne doit rien épargner pour Conserver l'isle de Cuba. Il est nécessaire d'envoyer et d'entretenir dans une Colonie, si importante par sa situation et par sa richesse, un nombre de troupes suffisant, pour faire respecter l'autorité et les droits du Souverain.

Les Membres de la Conférence ne peuvent trop insister pour que S. M. C. donne à son décret du 9 février 1824, sur la liberté du Commerce des Colonies,<sup>34</sup> toutes les suites qui dépendent encore d'Elle. D'importantes Colonies dans le golfe du Mexique et dans les mers de l'Asie, ont été jusqu'à présent inébranlables dans leur fidélité: Des dispositions bienveillantes et avantageuses maintiendront leur foi; et pourront avoir encore quelque influence sur les Colonies insurgées.

Les Conseils donnés à l'Espagne, pour préserver ses possessions de l'irruption des doctrines qui tendent à les séparer irrévocablement de la mère patrie, lui sont renouvelés avec instance; et les Membres de la Conférence reconnaissent plus que jamais la nécessité de prendre de bonnes mesures en Espagne, pour se retrouver en Amérique dans une position plus respectable. Ils espèrent que le Gouvernement Espagnol ne se laissera ni dominer ni décourager par les obstacles, et qu'après s'être préparé des ressources nouvelles par l'affermissement de la paix intérieure et par une bonne Administration, il évitera des mesures isolées, combinera l'emploi de ses moyens, et rendra ses efforts plus efficaces en les suivant avec persévérance.

#### RÉSUMÉ DE LA SÉANCE DU 19 AVRIL 1825.<sup>35</sup>

Présens, MM.

L'Ambassadeur de Russie

L'Ambassadeur d'Autriche

L'Ministre Plénipotentiaire de Prusse et le Ministre des Affaires Etrangères.

Après s'être mutuellement communiqué les nouvelles qu'ils avaient reçues de Madrid, les Membres de la Conférence, constamment pénétrés des dispositions amicales de leurs Souverains envers l'Espagne, ont examiné si, dans l'état actuel des choses, il pouvait être utile au service

<sup>33</sup> See *American State Papers, For. Rel.*, V. 489-505, 585, 589, and *Senate Journal*, January 13, 1825.

<sup>34</sup> See note 10, above.

<sup>35</sup> Paris, *Aff. Étr., Corresp. Pol.*, Espagne, vol. 732, fols. 141-144v.

de S. M. C. qu'ils donnassent quelque direction nouvelle aux Représentans de leurs Cours à Madrid.

Ils ont reconnu avec une vive satisfaction que les conseils de ce Gouvernement étaient dirigés avec plus d'ensemble, plus d'unité, et tendaient à un but mieux défini. C'est à cette direction que l'Espagne doit l'amélioration sensible qu'on peut déjà remarquer dans plusieurs branches de son administration.

L'effet des mesures récemment adoptées, pour donner plus de régularité aux délibérations du Conseil, et pour conserver la trace de ses discussions, est d'assurer avec plus de certitude cette unité de vues et cette persévérance d'action, qui ont été constamment l'objet des vœux et des démarches des Cours alliées, et qui sont si nécessaires à la restauration complète de la Monarchie.

Les Représentans de l'alliance à Madrid continueront donc d'employer tous leurs soins, pour que S. M. C., libre de toute influence personnelle et intéressée, puisse immuablement suivre la voie qu'elle s'est ouverte, malgré des oppositions aussi hostiles que vives et multipliées.

La Conférence ne saurait trop insister sur une liberté d'action, sans laquelle le Gouvernement perdrait le pouvoir de faire le bien: Elle ne peut d'ailleurs qu'exprimer ses vœux sur les mesures d'administration intérieure ou extérieure, qui lui semblent devoir plus spécialement occuper le Gouvernement espagnol.

L'état de l'Administration, celui des finances, la Conservation des Colonies soumises, la situation de l'Espagne relativement à ses Colonies insurgées, Les relations de ce Gouvernement avec les Etats unis d'Amérique et avec la Regence d'Alger,<sup>36</sup> devaient particulièrement attirer l'attention de la Conférence.

L'accord qui tend à s'établir dans les Conseils de S. M. C. a déjà produit d'heureux résultats. Ainsi le Gouvern't Espagnol s'est vu en état d'occuper plusieurs Places, où jusqu'alors des troupes françaises avaient été jugées nécessaires: la paix publique n'a point été troublée; et quelque peu satisfaisant que soit le taux actuel des revenus de l'Espagne, néanmoins sa situation financière paraît améliorée. Rien ne prouve mieux la justesse des mesures prises par S. M. C., et les ressources qu'offrira l'Espagne, si les sujets fidèles de S. M. C. continuent de remplir ses vues, avec cette constance qui devient encore plus nécessaire, dans un pays où tant de troubles et d'agitations se sont succédé[s].

Jusqu'à ce moment les banquiers étrangers se sont refusés aux propositions qui leur étaient faites au nom de l'Espagne pour obtenir un emprunt. Il est probable que si le Gouvernement espagnol leur offrait enfin des garanties suffisantes pour assurer le paiement de l'intérêt et un certain amortissement, Cet emprunt serait facilement conclu. Après tant d'essais infructueux, il est difficile de croire que l'état actuel de la législation financière de l'Espagne soit de nature à procurer aux Capitalistes les sûretés qu'ils recherchent avec tant de raison. Le Gouvernement espagnol devrait donc employer tous ses soins à trouver des garanties différentes, et il semble qu'il pourrait les obtenir, soit par des

<sup>36</sup> The relations between the Regency of Algiers and the French government were particularly strained at this time, on account of exorbitant demands by the Dey in connection with the French concessions and because of affronts to the French consul. At the same time relations with other European governments were hardly less critical. Five years later came the French conquest of Algeria.

moyens d'Administration, soit en recourant au zèle du Clergé, soit en assurant mieux la valeur et le recouvrement de tous ses revenus publics. Les Membres de la Conférence sont convaincus que l'Espagne renferme en elle même toutes les ressources dont elle a besoin, et qu'elles demeureront comme ensevelies tant que des mesures administratives n'en favoriseront pas l'essor, en secondant le généreux devouement et l'énergie dont la nation espagnole a donné de si honorables exemples.

Les Représentans de l'Alliance à Madrid devront saisir toutes les occasions, pour appeller l'attention du Gouvernement de sa M<sup>té</sup> C<sup>que</sup> sur cet objet important.

La Situation de l'Isle de Cuba mérite également toute sa sollicitude. Quelques renforts ont été envoyés à la havane;<sup>37</sup> mais les Membres de la Conférence croient que, dans l'état actuel des choses en Amérique, l'Espagne doit faire de nouveaux efforts pour mettre cette Colonie à l'abri d'une attaque étrangère ou d'une tentative de factieux, et pour rassurer le Commerce, effrayé par les actes de piraterie, dont la mer des Antilles est devenue le théâtre.

Quelles que soient les vues du Gouvernement Espagnol, à l'égard de ses autres possessions d'Amérique, leur accomplissement dépendra beaucoup de l'efficacité des mesures qu'il aura prises dans l'isle de Cuba. En se fortifiant sur ce point, il peut influer puissamment sur le sort des autres possessions; mais si ses efforts se divisaient la conservation même de cette importante colonie deviendrait incertaine.

Depuis longtems les Ministres de l'Alliance ont engagé le Gouvernement espagnol à s'occuper du sort de ses Colonies et à leur accorder toutes les facilités que doit faire désirer et que rend indispensables l'état actuel du Commerce. Ils ont souhaité que Ce Gouvernement adoptât toutes les conséquences de son décret du 9 février 1824; et en reconnaissant qu'il est entré dans cette voie, ils apprécient les dispositions généreuses et utiles que Sa M<sup>té</sup> C<sup>que</sup> a proclamées, mais le malheur des tems, de nombreux changemens d'administration, l'interruption fréquente des relations entre les Colonies et la Mère Patrie, la nécessité où se sont vûes les autorités locales d'adopter des mesures que les circonstances exigeaient, et sur lesquelles on n'avait pas le tems de consulter un Gouvernement trop éloigné, ont amené dans la marche des affaires, non seulement la Complication mais la Confusion. Ces circonstances ont privé de toute action régulière l'Administration, elles relâchent, avec une progression effrayante, les liens qui unissaient les Colonies à la Mère patrie et elles finiront par les anéantir, si le Gouvernement Espagnol ne s'empresse d'y remédier.

Les Membres de la Conférence sont vu avec plaisir les dispositions de la Cour de Madrid envers les Etats Unis d'Amérique, ils espèrent que le prochain départ de M. Herédia pour Washington,<sup>38</sup> et l'adoption des Mesures qui seront prises pour l'encouragement du Commerce et la répression de la piraterie, mettront bientôt un terme aux discussions de cette Puissance avec l'Espagne.

<sup>37</sup> Reinforcements consisting of 900 men from the Canary Islands and of two battalions from Spain were sent to Cuba in 1825. Guiteras, *Historia de la Isla de Cuba*, II. 296.

<sup>38</sup> Heredia, for private reasons, declined to go to Washington, somewhat embarrassing his government. Before the departure, however, of the American minister, Hugh Nelson, he was informed that Francisco Tacon, a naval officer, then in London, would be sent out. Boisilecomte to Damas, July 12, 1825, MSS. Aff. Étr., Corr. Pol., Espagne, vol. 773, fols. 53-59. Tacon did not come till 1827.



La Conférence émet aussi le vœu que les différends entre l'Espagne et la Régence d'Alger soient terminés à l'amiable. Tout espoir de négociation ne paraît pas perdu, et dans la situation actuelle du Gouvernement espagnol, il semble qu'un arrangement pécuniaire devrait être préféré.

RÉSUMÉ DE LA CONFÉRENCE DU 26 JUIN 1825.<sup>39</sup>

Présens :

L'Ambassadeur d'Autriche

L'Ambassadeur de Russie

Le Ministre des Aff. Etrang. de France

Le Ministre de Prusse.

Cette Conférence avait pour objet de s'occuper du danger qui menace les Isles de Cuba et de Porto Ricco, comme aussi des propositions que le gouvern't. des Etats unis a l'intention de faire à l'Espagne relativement à ces Colonies.

Le Ministre des affaires étrangères a fait un exposé succinct des informations parvenues sur ces différens points au gouv't. de S. M. T. C. et de l'opinion qu'il s'en est formée.

Il a annoncé à la Conférence qu'il se faisait un devoir de l'informer que les Etats-unis ont proposé à l'Angleterre de se concerter avec la France, pour offrir à l'Espagne la garantie des Isles de Cuba et de Porto-Ricco, fortement menacées par les indépendans de l'Amérique espagnole, sous la condition que l'Espagne accepterait aussi la médiation des trois puissances entre elle et ses colonies insurgées.<sup>40</sup>

Le Ministre a ajouté qu'en effet les nouvelles reçues depuis quelques tems s'accordaient à représenter l'île de Cuba comme placée dans une situation très inquiétante, tant à l'intérieur qu'à l'extérieur.

A l'intérieur, les impôts indirects sont fort élevés, et s'il faut en croire quelques rapports, l'entretien des dernières troupes arrivées d'Espagne a nécessité l'établissement d'un impôt foncier inconnu jusques là [et a servi] par la même fait pour augmenter les mauvaises dispositions des habitans.

Il paraît d'ailleurs que les habitans de Cuba liés d'intérêts et d'habitudes avec Ceux du Mexique et tentés par les succès des indépendans montreraient quelques dispositions à rompre avec une métropole qui ne peut plus accorder que faiblement à cette colonie la protection qui lui devient tous les jours plus nécessaire.

Les dangers extérieurs, dans l'opinion du gouvernement des Etats-unis, ne semblent pas moins menaçans, attendu que les succès obtenus dernièrement par les indépendans leur permettent de disposer de forces suffisantes pour attaquer l'île de Cuba avec avantage.

Le Gouvernement des Etats-unis pense donc que l'Espagne ne doit plus songer à reconquérir ses colonies; qu'elle est incapable de conserver Cuba avec ses propres forces, qu'en conséquence elle doit désirer une garantie étrangère, et que cette garantie ne peut être exercée utilement que par l'accord de la France, de l'Angleterre et des Etats-unis.

La conférence ayant exprimé le désir de connaître la pensée du gouvernement de S. M. T. C. sur cette proposition, le Ministre des

<sup>39</sup> Paris, Aff. Étr., Corresp. Pol., Espagne, vol. 732, fols. 399-404v.

<sup>40</sup> See J. M. Callahan, "Cuba and Anglo-American Relations", in *Annual Report of American Historical Association for 1897*, pp. 195-215.

affaires étrangères a répondu que quelle que soit la situation de l'Espagne vis-à-vis de ses colonies, son honneur et sa sûreté exigent qu'elle n'accepte point la garantie qui lui est offerte; l'honneur parce que l'Angleterre et les Etats-unis ayant reconnu, malgré elle, l'indépendance des Colonies insurgées, elle ne peut recourir à leur protection; la sûreté, parce qu'après la reconnaissance de l'indépendance de Buenos Ayres, de Colombie et du Mexique par l'Angleterre et les Etats Unis la garantie que ces puissances offrent pour Cuba pouvant nécessiter l'emploi de leurs forces contre les principes qu'ils ont ouvertement admis, les mettrait en contradiction avec elles-mêmes, et quelque bonnefoi qu'elles pussent y apporter, l'ordre naturel des choses les entrainerait; les principes d'insurrection mal combattus finiraient par dominer et par soustraire irrévocablement à l'Espagne une colonie qu'il est dans leur intérêt même qu'elle conserve encore. L'Espagne ne peut, ne doit donc pas accepter la proposition qui lui sera faite; s'il y a jamais médiation, l'Espagne ne peut prendre pour médiateurs que ses alliés.

Au reste, a-t-il ajouté, on ne peut dissimuler combien les circonstances sont fâcheuses pour l'Espagne et délicates pour l'alliance; car dans le cas où celle-ci prendrait sur elle de garantir à l'Espagne la possession de Cuba, si, comme on ne peut s'empêcher de le craindre, cette île vient à suivre l'exemple des autres colonies insurgées, il est difficile de calculer tout ce qu'il en résulterait de pénible pour l'alliance et de fâcheux pour l'intérêt des principes qu'elle défend.

M. l'Ambassadeur de Russie a dit: que dans son opinion les dangers qui menacent les Iles de Cuba et de Porto Ricco sont encore éloignés et qu'avant qu'ils puissent se réaliser, l'Espagne pourra prendre les mesures nécessaires à leur conservation; qu'ainsi l'objet pressant est de savoir si les forces aujourd'hui entretenues dans ces Iles doivent suffire à leur défense, et dans le cas contraire d'inviter le gouv't espagnol à y en faire passer de nouvelles; mais que dans l'état des choses, c'est au secours des finances de l'Espagne qu'il faut courir. Le gouvernement anglais la presse de satisfaire aux réclamations qui résultent des créances particulières des sujets de la grande Bretagne; il est à craindre que, se trouvant hors d'état d'y satisfaire, le gouv't espagnol ne se croie obligé à quelques concessions nuisibles à ses intérêts présents, plus encore à ses intérêts futurs.

Douze millions environ suffiraient pour s'acquitter envers l'Angleterre. L'ambassadeur de Russie a demandé si la France ne pourrait pas en faire l'avance. Le Ministre des affaires étrangères a fait observer que la France ne pouvait être dans l'intention d'offrir à l'Espagne une somme qui n'aurait d'autre destination que le paiement de quelques créanciers anglais; que si une somme quelconque devait tirer le gouv't espagnol de la triste situation où il est, il serait facile de la fournir; mais qu'il est malheureusement certain que dans l'état où se trouve l'Espagne, cette ressource, très précaire, ne remplirait pas son objet. Les sommes prêtées seraient sacrifiées aux exigences du moment qui se renouvelleront tant que l'ordre ne se rétablira pas dans les finances et l'on ne doit pas espérer qu'il en soit fait un emploi véritablement utile. Un palliatif ne pourrait suffire, il rendrait la position mutuelle des deux gouvernements plus pénible et n'aurait aucun résultat satisfaisant.

Le Ministre a fait connaître qu'au reste la France n'en est pas moins disposée à aider l'Espagne, et qu'elle est prête à lui offrir de nouveau, et sous les mêmes garanties, l'arrangement qu'elle lui proposa l'année

dernière (conférence du 31 août 1824) et qui consistait à prendre, en paiement des sommes dont l'Espagne est redevable envers elle, un fonds en rentes dont le gouvernement français aurait fait la négociation. Cette mesure aurait l'avantage de créer pour l'usage du trésor d'Espagne une valeur qu'il dépendrait de lui d'accroître en mettant de l'exactitude dans le service des arrérages.

Au surplus, l'Espagne entre depuis quelque tems dans les voies qui doivent la conduire à une meilleure situation, et la marche du ministère actuel peut donner l'espoir de voir rétablir l'ordre dans les finances et conséquemment le credit public.

A la suite de ces explications, l'opinion unanime de la conférence a été: que l'Espagne ne doit point accepter la garantie qui sera proposée par les Etats-unis et par l'Angleterre;

Qu'il convient de l'inviter à compléter les moyens de défense de Cuba et de Porto-Ricco ou à entretenir ceux qui y existent, s'ils paraissent suffisans, et enfin à prendre toute autre mesure propre à garantir ces colonies du danger qui les menace;

Que toutes les tentatives pour obtenir de l'argent par la voie des emprunts ordinaires ayant manqué, et les efforts inutiles qu'on ne cesse de faire depuis deux ans à cet égard contribuant à augmenter le discredit de l'Espagne, il semble indispensable d'avoir recours à quelque autre moyen propre à détruire par le fait les préventions fausses ou sinistres existantes contre le gouvernement espagnol;

Que parmi ces moyens le projet déjà proposé de créer des inscriptions de rentes affectées au paiement de la dette envers l'Angleterre et la France aux conditions qui seront arrêtées avec ces deux puissances, semble devoir établir un commencement de crédit susceptible de se développer par la suite d'une manière avantageuse;

Que l'intérêt de ces inscriptions serait payable à Londres et à Paris, par conséquent les inscriptions elles memes négociables principalement sur ces deux places, avec la faveur du public et celle des gouv'ts respectifs intéressés à les faire valoir;

Qu'à l'aide de cette émission l'Espagne pourrait en mettre en circulation pour son propre Compte, et moyennant l'exactitude à payer l'intérêt dans les lieux et aux époques convenues, établir un credit nouveau qui ferait oublier les inconvéniens résultant des événemens passés;

Que cette operation, après avoir été concertée avec la France et l'Angleterre chacune pour ce qui la concerne, devrait être confiée à des maisons de banque d'un crédit reconnu dans les deux pays, qu'il conviendrait de charger aussi de toutes les autres opérations financières de l'Espagne à l'étranger, afin d'établir l'unité et la solidité des opérations susmentionnées;

Que le preliminaire de ce système ou de tout autre qu'il plaira au Roi Catholique de prendre, doit être l'accord parfait du ministre des finances avec les autres ministres, et leur coopération commune et sincère en faveur de ce qui aura été délibéré et arrêté.

Les membres de la conférence sont convenus que le present protocole sera communiqué aux représentans des cours à Madrid, afin qu'ils en fassent l'usage qu'ils jugeraient le plus convenable pour le maintien des principes qu'il contient et pour l'adoption des mesures qui y sont indiquées.

RÉSUMÉ DE LA CONFÉRENCE DU 17 JUILLET 1825.<sup>41</sup>

Presens: MM:

L'Ambassadeur d'Autriche

L'Ambassadeur de Russie

Le Ministre des affaires étrangères de France

Le Ministre de Prusse.

Le Ministre des affaires étrangères a donné connaissance à MM. les représentants de l'Alliance d'une communication qu'il a reçue de M. le Ministre des Etats-unis le 12 Juillet, et de la réponse qu'il y a faite: en voici la substance.

Le Ministre des Etats-Unis a dit au nom de son gouvernement:<sup>42</sup>

"Personne n'ignore la situation respective de l'Espagne et de ses colonies: à la vérité l'ambition de Buonaparte a pu hâter la séparation qui s'est opérée entre les colonies espagnoles et la mère-patrie: Mais cette séparation même étant dans la nature des choses ne pouvait manquer de se réaliser un jour; et l'Europe a dû la prévoir, afin de s'éviter les complications qu'une révolution si importante devait amener à sa suite.

"Le gouvernement des Etats-unis a cependant vu avec peine la séparation de fait qui s'est opérée entre l'Espagne et ses colonies; Il a employé tous ses efforts pour empêcher ses citoyens de prêter des secours aux rebelles; mais l'Espagne ayant successivement perdu toutes ses possessions du continent, les intérêts du Commerce, l'esprit des peuples et la nature des institutions qui régissent le pays ne permettaient point à l'Union de méconnaître un fait devenu irrévocable.

"Le gouvernement des Etats-unis a donc traité et [a] du traiter avec les nouveaux états, Mais, comme la paix est le premier besoin des peuples, il fait des vœux pour que l'Espagne, en reconnaissant l'indépendance de ses colonies, consolide un état de choses qu'il ne lui est plus possible de changer.

"Ce sacrifice, bien pénible sans doute, pourrait cependant avoir de l'utilité pour l'Espagne, si, par la médiation de ses alliés, elle y trouvait des compensations qui l'aidassent à sortir de l'état de gêne où elle se trouve.

"L'Espagne, d'ailleurs, doit mettre un grand prix à la conservation des Isles de Cuba et de Porto-Ricco, de la première surtout qui, riche de ses productions et si heureusement placée pour dominer la mer des Antilles, lui donne le moyen d'influer puissamment sur les transactions commerciales des contrées voisines; or, si l'état actuel des choses se prolonge, nul doute qu'avant peu l'Isle de Cuba ne passe aux mains de

<sup>41</sup> Paris, Aff. Étr., Corresp. Pol., Espagne, vol. 733, fols. 99-103v.

<sup>42</sup> James Brown was at this time minister of the United States in Paris. An examination of the MS. "Instructions to Ministers" in the State Department reveals that the only instructions relating to the Spanish colonies sent by Clay to Brown during this period consisted of a copy of the instructions to Middleton, at St. Petersburg, of May 10, 1825, a copy of which was also sent to King at London. These instructions are printed in *Am. St. P., For. Rel.*, V. 846-849. A careful reading of them forces the conclusion that in proposing to join with the maritime powers to guarantee the possession of Cuba and Porto Rico to Spain on condition that the latter accept the mediation of those powers between herself and her revolted colonies Brown exceeded the intent of his instructions; this of course assuming that his communication was correctly reported to the conference by Damas.

quelqu'un des nouveaux gouvernemens de la Colombie ou du Mexique, lesquels unis d'intérêt contre l'Espagne et pouvant disposer d'environ soixante mille hommes ne cesseront pas les hostilités tant que leur existence ne sera pas légalement garantie.

"On connaît d'ailleurs la fermentation qui règne parmi les habitans de ces Iles; on sait que des députés ont été envoyés par ceux de Cuba au gouvernement de Colombie; et l'Espagne dans l'état où elle se trouve manque des moyens nécessaires pour conserver cette belle possession.

"Les Etats-unis proposent donc à la France et aux autres puissances maritimes de garantir à l'Espagne la possession de Cuba et de Porto-Ricco; mais à condition qu'elle acceptera les mêmes puissances pour médiatrices entre elle et ses colonies insurgées."

Le Ministre des affaires étrangères a répondu:

"Les Etats-unis ne se sont point mépris sur les vœux et les sentimens de la France; elle ne perdra jamais une occasion pour aider l'Espagne de ses bons offices, mais dans la circonstance présente, le gouvernement des Etats-unis ne peut ignorer que la France a des engagements avec ses alliés; que, dans tous les cas, une offre de ce genre ne pourrait être faite à l'Espagne qu'avec le concours de l'Alliance: et que même en supposant que l'utilité de cette proposition fut reconnue par l'Alliance, on n'en pourrait espérer aujourd'hui aucun succès; car on a la certitude qu'elle serait repoussée par le gouvernement espagnol.

"L'Alliance attache sans doute un grand prix à ce que l'Espagne conserve la possession des Iles de Cuba et de Porto Ricco: C'est pour maintenir l'autorité de cette puissance et pour diminuer les dangers dont elle est menacée, que l'alliance a conseillé à l'Espagne et a obtenu d'elle la suppression des lettres de marque qui jusqu' alors avaient été délivrées par les autorités espagnoles de Cuba:<sup>43</sup> Mais elle désirerait que le gouvernement des Etats-unis obtint une mesure semblable du gouvernement de Colombie. Il en résulterait une notable diminution du danger qui naît pour tous les états commerçans de ce grand nombre de corsaires qui se sont repandus et qui se repandront encore dans toutes les mers; Cette mesure préviendrait une complication que tous les gouvernemens doivent chercher à éviter."

Le Ministre des Etats-unis a reconnu la justesse de cette observation: Il a pensé toutefois qu'il était fort difficile de faire aux états insurgés la proposition dont il s'agit par la raison que les peuples de ces contrées regardent l'entretien des corsaires qui composent la presque totalité de leur marine, comme l'unique moyen de forcer l'Espagne à leur accorder les conditions qu'ils desirent.

Le Ministre des Etats-unis a d'ailleurs ajouté que son gouvernement connaissait bien les obligations que l'alliance s'était imposées, et que loin d'y trouver un obstacle aux propositions qu'il adressait au gouvernement français il désirait qu'elle se réunit à lui pour l'objet dont il émettait le vœu.

Les membres de la Conférence ont adhéré aux principes qui ont dicté la réponse du Ministre: Ils se réservent d'en rendre compte à leurs cours respectives.

Après cette communication les membres de la conférence s'étant en-

<sup>43</sup> On May 6, 1825, Zea Bermúdez informed Boislecomte, the French chargé d'affaires at Madrid, that it was the intention of the king to suppress all letters of marque and to prohibit the issue of privateers' commissions in the West Indies. Paris, Aff. Étr., Corresp. Pol., Espagne, vol. 732, fol. 201.

tretenus de l'état actuel de l'Espagne et ayant cherché les conseils qu'il pourrait être utiles de donner encore à cette puissance, sont tombés d'accord sur ce point: qu'après les améliorations déjà obtenues dans l'administration, le premier intérêt du gouvernement espagnol consiste à rétablir dans ses finances l'ordre nécessaire pour le dégager des exigences extérieures et des besoins intérieurs qui le tourmentent; qu'aucun des moyens qui ont été examinés jusqu'à présent n'est préférable à celui qui a été indiqué dans le protocole du 26 Juin; qu'en conséquence le gouvern't espagnol doit réunir tous ses efforts, toutes ses facultés, pour émettre tant en Angleterre qu'en France les rentes nécessaires pour s'acquitter envers ces deux pays:

Le placement successif de ces rentes lui permettra d'en émettre pour son propre compte, soit simultanément, soit dans la suite, en continuant d'offrir aux prêteurs les garanties qui seront nécessaires, et de fonder ainsi le système de crédit qui lui est indispensable.

Les membres de la Conférence reconnaissent les obstacles qu'il faudra vaincre pour obtenir ce résultat si désiré: mais il y va du salut de l'Espagne, et dès lors, quelles que soient les résistances, il faut les briser.

La Conférence a arrêté que les représentants de l'alliance à Madrid seront invités à donner lecture du présent protocole à M. le Ministre des affaires étrangères de S. M. C.<sup>44</sup>

<sup>44</sup> The protocols of two later conferences, October 7, 1825, and May 26, 1826, are to be found in the same series, vol. 734, fol. 37, and vol. 736, fol. 151, but have not been copied because deemed of insufficient interest. The conference of October 7 dealt with the question of Mexican clergy and Spanish opposition to the reception by the pope of their representatives. The conference of May 26 was more general.



## REVIEWS OF BOOKS

### GENERAL BOOKS AND BOOKS OF ANCIENT HISTORY

*Prolegomena to History: the Relation of History to Literature, Philosophy, and Science.* By FREDERICK J. TEGGART, Associate Professor of History and Curator of the Bancroft Library in the University of California. [University of California Publications in History, vol. IV., no. 3.] (Berkeley: University of California Press. 1916. Pp. 155-292.)

PROFESSOR TEGGART'S *Prolegomena* represents another attempt to prove that history is not a natural science, that it should be a natural science, but that it cannot be a natural science unless it abandons the methods employed up to the present by historians and adopts the methods employed by natural scientists. With all of which one might most heartily agree, while pointing out to Professor Teggart that the result of the application of the methods of natural science to past social data would give us sociology, 'the laws of social development, and not history, the unique synthesis of social evolution. Professor Teggart's argument against the present methods of the historian rests, it seems to me, upon a number of false assumptions. It is not true that *science* and *natural science* are synonymous; the former embraces the latter and something more, the synthesis of past social facts called *history* being quite as scientific as the synthesis of past social facts called *sociology*. It is not true that history is "the statement of an indeterminable number of concrete individual cases" (p. 241), nor is it a "current dictum" that "historical scholarship must confine itself at present to the collection of facts, so that from these, in an undefined future, the 'laws' of history may be formulated" (p. 160). It is interesting to note in connection with this last assertion that the citations of Professor Teggart from Monod, Freeman, Bury, Adams, and Jameson give no support to the assumption, these writers having in mind a future synthesis that shall rest on their partial investigations, and not the formulation of laws from the facts they had collected. This false conception of the task of the historian vitiates all the work of Professor Teggart, although at times he contradicts himself, stating correctly the task of the historian when he says, "the problem confronting every historian is how to bring the heterogeneous materials at his disposal within the compass of a unity" (p. 193), or "what constitutes it a masterpiece of historical writing is the wide vision that gives unity to the whole narrative". It is not true that history is "the manifestation of constant processes" (p. 246) nor is it the duty of the historian to investigate "the processes manifested in the concrete instances of history" (p. 241). It is not true that "a clear-cut

distinction must be made between historiography and historical inquiry" (p. 239) for the simple reason that they are inseparable; the end of historical research is historiography. It is not true that historians now advocate "that we should investigate the past with our minds a perfect blank as to what we wish to know" (p. 161), that is to say, that the historian does not set and solve problems. It is not true that "logic ignores the scientific possibilities of historical inquiry because the historian has not yet found a way to turn to account the opportunities which his materials present" (p. 221). It is not true that "the crux for logic was that history claimed to be a science, though it did not produce scientific results" (p. 219), but rather that history was a legitimate form of organized knowledge for which the current definition of science left no place. The problem was to distinguish between the logic of the organization of past social facts in the form of a synthesis displaying a unique evolution, and the logic of a series of generalizations or laws treating of the processes revealed by an examination of past social facts. History never claimed to be a *natural* science, hence it never employed the methods of *natural* science and as science is not *solely* "the systematic investigation of the processes manifested in phenomena", the method of *natural* science is not "the *only* method that can satisfy the ambition or provide an outlet for the activity of the investigator".

The demonstration of this series of theses would occupy as many pages as Professor Teggart has devoted to his *Prolegomena*. After all that has been said, it ought to be clear that the whole dispute turns upon the question of definition. Professor Teggart wishes to apply to past social facts the methods of natural science for the purpose of tracing the processes of social evolution. Well and good; it is perfectly legitimate and nobody objects. The historian wishes to do something quite different; he wishes to construct a synthesis displaying the unique evolution of man in his activities as a social being. That too is perfectly legitimate, that too is organized knowledge or science, although not *natural* science. Does the sociologist deny the right of the historian to construct such a synthesis? If not, why does he quarrel with the method employed when it is the only method that will give the historian what he seeks? That history "has perfected its methods", but "has not changed its nature" (p. 173) should be cited to its credit, not to its discredit. It could not change its methods as long as its nature was unchanged; it could only perfect them.

FRED MORROW FLING.

*A History of the Family as a Social and Educational Institution.*

By WILLYSTINE GOODSSELL, Ph.D., Assistant Professor of Education in Teachers College, Columbia University. (New York: The Macmillan Company. 1915. Pp. xiv, 588.)

WE have much needed a trustworthy book on the family, marriage, and related problems, sufficiently detailed but not too elaborate to serve

as an outline or text for the use of college students and to satisfy the swiftly growing interest of educated people in these vital questions. Such a book Dr. Goodsell has given us. It combines a well-analyzed discussion of the development of matrimonial institutions, from the earliest to the most recent phase, with a consideration of some of the more important social movements of the present hour. The historical chapters constitute the bulk of the work, small space being devoted to the present conditions. Indeed, an adequate discussion of the great social betterment problems which now concern the family-trinity, such as mother and infant welfare, infant mortality, mothers' pensions, eugenics, and equal suffrage, would have doubled the size of the volume; and that, of course, would not have suited the author's plan.

Professor Goodsell has drawn freely upon the literature produced by preceding writers, and has made helpful original contributions where there was most need of further research. The treatment is thoroughly "modern" in spirit. The institutions of the family are rightly viewed as social products, the results of human experience. Since they have been made by man, they may be changed by man with his advancing knowledge.

The short chapter on the Primitive Family deals with the hardest subject which students of social origins can tackle: the literature and the complex and conflicting theories of the genesis of matrimonial forms and usages. Swiftly and clearly the author has summarized the views of Bachofen, Maine, Morgan, McLennan, Grosse, Westermarck, Todd, and others. The theory of the "original pair-family" is favored as the most trustworthy explanation of primitive human mating; and, following Grosse, the dominant influence of economic conditions on the evolution of the family is accented. Wisely the teaching of Bachofen and many of his followers, that so-called mother-right or the "metro-nymic system" of kinship implies the supremacy of the female, is rejected. "In those instances where the husband lived and served among his wife's kindred the position of the woman was relatively high. She was protected by her male relatives from unjust divorce, from abuse, and from gross overwork." But "the maternal kinship system does not imply that women were in supreme control of the household nor even that they held a determining voice in the management of the affairs of the kinship group or clan." In this chapter, good use has been made of Hutton Webster's very able *Primitive Secret Societies*; and of Todd's enlightening *Primitive Family as an Educational Agency*.

Three meritorious chapters are given to the "patriarchal family" among the Hebrews, Greeks, and Romans, respectively; and these are a good example of the author's independent research. The very interesting discussions of the "Influence of Early Christianity upon Marriage", the "Family in the Middle Ages", and the "Family during the Renaissance" show Dr. Goodsell's alertness and industry in digesting a great mass of writings and in reaching thoroughly up-to-date conclu-

sions. The social evils arising in the canon-law doctrines of marriage and divorce, and the resulting teaching of Luther and the Protestant reformers are set forth in some detail; while in each stage proper attention is paid to the more intimate relations of the domestic life. The painstaking chapter on the English Family in the Seventeenth and Eighteenth Centuries covers ground but partially explored by preceding writers. This remark may apply also to that part of the chapter on the Family in the American Colonies, entitled "Homes and Home Life in Colonial Days".

The book closes with a short account of the Industrial Revolution and its Effect upon the Family; a chapter on the Family during the Nineteenth Century; another on the Present Situation; and a concise statement of Current Theories of Reform. These chapters, though brief and as already suggested not embracing some of the most important movements of the day, will prove very helpful to anyone who wishes to understand the spirit of our transition stage of social progress.

Each chapter has a well-selected bibliography; and this, together with the analytical table of contents and the full index, affords the reader an efficient apparatus for making good use of the book. Professor Goodsell's work is the best concise discussion of a big and hard subject which has yet appeared.

*Intercourse between India and the Western World from the Earliest Times to the Fall of Rome.* By H. G. RAWLINSON, M.A., I.E.S., Professor of English in the Deccan College, Poona. (Cambridge: University Press; New York: G. P. Putnam's Sons. 1916. Pp. vi, 196.)

ALTHOUGH the author of this handy book is not impeccable (Alexander's entry into India was not in 329 B.C.) and his novel suggestions are not often acceptable, yet his errors are comparatively rare and his original contributions are fortunately few. In truth, almost everything contained in this volume has been known for years, a good deal of it for hundreds of years. Yet some of it is recent material which Professor Rawlinson has picked up out of the more or less hidden volumes of Oriental Societies and deftly welded with information provided by the author of the *Periplus* (whose date should be 60 A.D.), by MacCrindle, who in turn got his books out of Greek fragments, and by many other writers old and new, familiar to the Indologist but probably unknown to the general historian. We have always known, for example, that there were three great trade-routes connecting India with the West and that Indian products were sold in Babylon and popular in Rome; that a Roman emperor received an embassy from India; that Greek girls were sold in India in the first century of our era and that a Hindu emperor had a Greek wife in the third century B.C.; but it is only recently that we have had the native work on administration to compare with Megasthenes, or have learned about the converted Greeks who appear

(under Indian names) as beneficiaries of religious works in India; and it is only last year that Dr. Spooner showed how much greater than formerly supposed is the Persian element in ancient Hindu architecture. We knew of old that Darius "conquered India" (or thought he did) about 510 B.C., but we never knew and do not now believe that India gave tin to the Greeks or that Pseudo-Kallisthenes visited a bishop of Southern India; for Adule, where he lived, has now been identified with Massowah, so that the "Nestorian prelate" called Moses could not have lived where Professor Rawlinson locates him. From recent articles in Oriental journals some information also respecting philosophy and literature in India has been utilized by the author, who discards the notion that Pythagoras learned anything from the Hindus, as he discards the theory that Hindu drama came from Greek influence, though he admits the possibility of Hellenic influences in Western India upon one Hindu play and cites Marshall's opinion that Greek plays were acted in the Punjab.

As to the eternally recurrent question whether, to put it somewhat baldly, Christ was a Buddhist or the Buddhists were Christians, Professor Rawlinson notes that Clement (died 220 A.D.) was the first Western writer to show any real knowledge of Eastern philosophy. Parallels between the Gospels and the New Testament of India are unconvincing; Lamaist ritual may be due to the influence of the Christian church in Persia. In all that he says on this subject the author is sane and conservative. His bibliography might have included Brunnhofer and Franke (*Zeitschrift d. Deutschen Morgenl. Gesellschaft*, XLVII.), but is complete enough.

As we have indicated, this work is not one of original investigation. But it is a very useful compendium of facts and divergent views and the author has strung these together to follow a chronological order, so that one may take up in historical progression the intercourse between India and the West from the Rig Veda and Solomon to the Bhagavad Gita and Kosmas Indikopleustes, a monk of the sixth century A.D., who wrote of Christianity in Ceylon and parts of India which he visited. For most of the facts here collected by Professor Rawlinson one has had hitherto to turn to ancient fragments and scattered articles by modern writers. It is therefore a modest but real service to have brought all this information together. We may add that it is imparted in a succinct but pleasant style and, barring a few errors, correctly. For specialists the book is a convenience and for the general historian it should be a boon.

*The Religious Thought of the Greeks from Homer to the Triumph of Christianity.* By CLIFFORD HERSCHEL MOORE, Professor of Latin in Harvard University. (Cambridge: Harvard University Press; London: Humphrey Milford, Oxford University Press. 1916. Pp. vii, 385.)

THIS volume is in the form of lectures. Eight lectures given before  
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the Lowell Institute in the autumn of 1914 are combined with material from a course delivered at the western colleges with which Harvard University maintains an annual exchange. The author describes his work as "nothing more than a sketch". Despite this modest disclaimer the book makes a worthy contribution to the subject. And it represents what, I venture to think, may properly be called the new humanism of classical scholarship. Without attempting universality or completeness it offers a treatment of Greek religion which is at once interesting and significant. Teachers of the history of thought should welcome for their pupils such an excellent organization of the more important aspects of the subject, while classical students will profit by the philosophical insight with which it is treated.

Beginning with Homer and Hesiod the development of Greek religion is traced through more than a thousand years to the triumph of Christianity. In addition to a treatment of the better known periods of classical literature, there are chapters on Orphism, Pythagoreanism and the Mysteries, on Oriental Religions in the Western Half of the Roman Empire, on Christianity, and on Christianity and Paganism.

Many readers will find especial interest in the author's account of the various mystical cults, the religions of redemption, all of which share the belief that only the initiate, the "twice-born" soul, attains the insight and holiness that bring peace and salvation. This conception of the religious life is first clearly seen in Orphism and the Eleusinian Mysteries. It reappears with added power not only in Christianity and Alexandrian mysticism but also in all the Oriental religions which flourished in the Roman Empire, especially in the worship of Isis, of Mithras, and of the Great Mother. It is significant that no other type of religion gained a foothold at Rome in the period of decadence. No one can read the account of these latter cults without perceiving that the triumph of Christianity was hastened by the wide diffusion of a mode of religious thought and practice spiritually akin to much of its own teaching.

The story of the initiation of Lucius, the hero of the *Metamorphoses* of Apuleius, into the Isiac rites, offers, the author tells us, "the fullest account which we possess of an initiation into any of these oriental mysteries". The summary of this account (p. 273 ff.) is highly instructive. Only in our own day has the study of psychology enabled us to understand with what transforming power submission to such rites could work in the life of the youthful initiate, how it could give temporary release from the sway of the senses, could free him "for the moment from the tangled net of daily life", and seem to offer a "very foretaste of immortality".

One comment of the author concerning mysticism, that it is "the very opposite of individualism" (p. 47), seems to me to require qualification. This statement does unquestionably express one aspect of the matter, for mysticism has always allied itself with a monistic theory of being; the individual devotee seeks to merge his petty existence in the



one divine life. But mysticism has also at the same time inclined to an individualistic theory of religious insight. The state of illumination, of enthusiasm, or ecstasy, it has insisted may be quite unique and yielding a revelation not to be shared with any fellow-mortal. Thus it was that throughout the Middle Ages Christian mysticism wrought against ecclesiasticism in favor of individualism. It insisted that no priest or potentate could come between God and the individual soul, so that its leaders were justly hailed as "reformers before the reformation".

The final chapter offers an excellent account of how Christianity was compelled to defend itself in a world dominated by the intellectual conceptions of the Greeks, and how it was itself Hellenized in the process. Platonic tradition naturally played the chief rôle in providing the *formulae* for Christian dogma. It may be added that in this ecclesiastical setting these *formulae* have displayed a vitality quite disproportionate to their validity.

In concluding this brief review of Professor Moore's book the reviewer may perhaps voice the sentiment of other readers in expressing regret that some portion of the time spent, during college days, in the study of the Greek language, could not have been devoted to such an instructive volume.

WALTER GOODNOW EVERETT.

#### BOOKS OF MEDIEVAL AND MODERN EUROPEAN HISTORY

*History of the Franks*, by Gregory, Bishop of Tours. Selections, translated with Notes by ERNEST BREHAUT, Ph.D. [Records of Civilization: Sources and Studies.] (New York: Columbia University Press. 1916. Pp. xxv, 284.)

THIS is the third volume which has thus far appeared in the series, *Records of Civilization*, and, like the other two, it has the same merits of attractive form and clear print. The work might well be entitled *Selections from the Writings of Gregory of Tours* for it contains selections not only from the *History of the Franks* but also from the *Eight Books of Miracles*. However, as the title indicates, the bulk of the work is concerned with the former of Gregory's writings, of which the skeleton is preserved entire. Many of the chapters have been translated in full. These include most of the passages usually cited in general histories of the medieval period and amount in total to somewhat less than half of the original work. The other chapters are translated by title, or are briefly summarized. In some cases, also, brief passages which seemed to the translator important have been translated and added to the summaries. In all, 248 pages are devoted to the translation of the *History of the Franks*. The selections from the *Eight Books of Miracles* occupy but fourteen pages and were chosen, as Dr. Brehaut indicates, primarily to illustrate Gregory's personality and point of view. The introduction, twenty-five pages in length, presents to the general

reader a brief discussion of Gregory's life, his language, and his conception of religion in its application to various phases of social activity. Thirteen pages of notes, directed likewise toward the general reader, are unobtrusively appended, together with three genealogical tables (genealogy of Merovingian kings, families of Clothar and Chilperic, and Gregory's family), a map of the Frankish dominions, and an index of proper names. A brief bibliography, supplemented by numerous bibliographical references in the notes, opens the way to further study for the interested reader.

The editor of the series in a brief preface anticipates "the protest which is sure to come from the medievalist when he sees the work of desecration at last accomplished", and seeks to justify the plan of selection in preference to a translation of the whole work not only on material grounds, but also on the basis of "a new social value". There are still enough old-fashioned folk, not yet fully submissive to the "higher law" in the publication of historical monuments, to raise the question whether the reader of this translation would have been seriously inconvenienced by a carefully indexed translation of the whole *History of the Franks*. Those who see in the work not only the reflection of Gregory of Tours as a figure and a man of his time, but for want of other material are compelled to glean from it a knowledge of the times also, are inclined to quarrel with it, not because it is too full, but rather because it is not full enough. The invaluable testimony which it affords to the gradual fusion of Latin and Teutonic institutions will remain important as long as European civilization is interested in the origin and formation of its fundamental social institutions. The persistent demand for the translations of Bede, of Froissart, of Joinville, and other like works would seem to indicate that this interest is not confined to "erudite medievalists", "who should in any case go to the original". It is hoped that the editors of the series may be able in the works now in preparation to make a more generous allowance for these other readers as well.

This is the most serious objection which may be offered to the work, the more so because Dr. Brehaut has been for some years occupied with a study of the period of Gregory of Tours and might have easily rendered a translation of the whole work. However, the volume, as it is, should prove very useful. The selections have been made with discrimination. Persons interested in legal procedure may regret that the compurgation of Fredegunda in proof of the legitimacy of young Clothar (bk. VIII.) was not translated in full, but most of the famous passages have been translated entire. The translator has undertaken the very difficult task of reproducing Gregory's vagaries of style and grammar without unnecessarily confusing the reader. In this he has been fairly successful, though it must have required real courage to translate *Hispanias* "the Spains", for elsewhere he translates the same word by the common "Spain". The smoothness of the translation is somewhat marred by unnecessary lack of punctuation-marks, and the work as a

whole suffers from needless errors in proof-reading: *e. g.*, Alemanni, Alamanni; Syagrius, Siagrius; and varying use of capital letters.

As a whole, however, the work will be welcomed by many both in the schools and without. Gregory's varied genius as a writer and as an historical figure is amply illustrated, and much of the *History of the Franks* is now accessible to those who do not read Latin. Others, who desire more, fortunately may consult the more complete translations in other languages which are listed in the bibliography.

A. C. KREY.

*Epidemics resulting from Wars.* By Dr. FRIEDRICH PRINZING.  
Edited by HARALD WESTERGAARD, Professor of Political Science  
in the University of Copenhagen. [Carnegie Endowment for  
International Peace, Division of Economics and History, John  
Bates Clark, Director.] (Oxford: Clarendon Press. 1916.  
Pp. xii, 340.)

THE author states that a large number of authors have dealt with epidemic disease among the combatants in war, but that this is the first serious attempt to trace the effects of these epidemics upon the civil population involved. While few pictures of the horrors of war have a proper place in a scientific treatise like this, the statistical marshalling of the pestilences of the Napoleonic Wars, or of the siege of Paris, should bring home to the thoughtful the terrible realities of war as vividly as a painting by Verestchagin, or a narrative by von Suttner.

A short reference is first made to the diseases which have most often been connected with military operations, especially during the last century. The interpretation of medical terms becomes progressively more difficult as one goes back into the history of epidemics and this is fully appreciated by the author, who, wisely, has not attempted to determine in all cases the exact nature of the "plague" or "fever" referred to by contemporary writers. It is sufficient to show the extent of the epidemics of the Thirty Years' War without attempting to decide just how much there was of bubonic plague, or of typhus fever, or of smallpox, or to determine what proportion of the typhus fever of the Napoleonic Wars was really typhoid fever. Original sources of information have been consulted as far as possible and, of course, as one approaches the present, these become more numerous and reliable. The amount of work involved in the entirely new study of smallpox in the Franco-German War must have been enormous. The thesis, throughout, is well supported by a large volume of convincing statistical evidence.

A short chapter deals with the somewhat legendary accounts of such matters as the influence of the Crusades in the distribution of leprosy through Western Europe, of the spread of syphilis by soldiers during the latter part of the fifteenth century, and of the extension of typhus fever in the next century as a result of the wars with the Turks. A

more considerable chapter deals with the Thirty Years' War. Though the diagnosis was more accurate than in the Middle Ages, most of the chroniclers were non-medical men, so that the extent of disease is better known than is its nature. The long period covered by these wars and the marching and remarching, not only impoverished the country, but afforded the fullest opportunity for the spread of disease. It has been estimated that from fifty to seventy-five per cent. of the people of Germany perished and other countries suffered, too, from the extension to them, particularly, of typhus fever, dysentery, and bubonic plague.

During the Napoleonic Wars the most important disease was typhus fever, which from the frequency with which it appears among troops, has often been called camp fever. Abundance of evidence is given to show how contact with troops, or more often with prisoners, was the starting-point of extensive outbreaks among the civil population.

Particularly interesting is the detailed account of smallpox during and following the Franco-German War of 1870-1871, an account which occupies nearly a third of the work. It is shown how little smallpox there was in Germany at the outbreak of the war, while it had for a year or two been increasing in France and at the beginning of hostilities had become widespread. Owing to lack of vaccination the French army suffered terribly, as did the civil populations, during the sieges of Metz and Paris. A careful study of the different districts and cities in Germany shows most clearly that smallpox was introduced into a large number of places by French prisoners. These foci of infection became the starting-points of a most severe epidemic which ravaged all Germany. Brief reference is made to the Crimean War, our Civil War, after which it is believed that many parts of the North were infected with typhoid fever and dysentery by returning soldiers, the Russo-Turkish War of 1877-1878, and other wars in which there is evidence of the infection of the civil population.

Although methods of controlling these diseases have vastly improved, the author points out the necessity of the greatest care during and immediately after the present war, a warning which has been amply justified by the great outbreaks of typhoid fever in Serbia and Asia Minor.

C. V. C.

*History of the Jews in Russia and Poland from the Earliest Times until the Present Day.* By S. M. DUBNOW, translated from the Russian by I. FRIEDLAENDER. Volume I. *From the Beginning until the Death of Alexander I. (1825).* (Philadelphia: Jewish Publication Society of America. 1916. Pp. 413.)

WHEN, after the conquests of Alexander the Great, Judea became a part of the Hellenistic Orient, and sent forth the "great Diaspora" into all dominions of the Seleucids and Ptolemies, one of the branches of this Diaspora must have reached as far as distant Tauris [the northern coast

of the Black Sea]. Following in the wake of the Greeks, the Jews wandered thither from Asia Minor, that conglomerate of countries and cities—Cilicia, Galatia, Miletus, Ephesus, Sardis, Tarsus—which harbored, at the beginning of the Christian era, important Jewish communities, the earliest nurseries of Christianity.

From this region the author follows the wanderings and settlements of the Jews in the kingdom of the Khazars, in the early Russian principalities, in the Tartaric khanate of the Crimea, in Poland and Lithuania, to about the year 1500. This interesting account of sixty-five pages is intended, more or less, as a background for what comes later. About half of the work is devoted to the history of the Jews in Poland and the other half to their life in Russia after the partition of Poland. Both for Poland and for Russia there is an adequate discussion of the political, social, economic, intellectual, and religious life of the Jews, of the racial and religious antagonisms between them and their Christian neighbors, of the blood accusations, of the pogroms, and of the massacres.

This work "was especially prepared by Mr. Dubnow for the Jewish Publication Society of America . . . and was originally scheduled to appear at a later date. The great events of our time, which have made the question of the Russian Jewry a part of the world problem, suggested the importance of earlier publication." This perhaps explains in part its tone. It would be more accurate to call the book, "History of the Persecutions of the Jews in Russia and Poland"; for this is the main theme of the writer. There is little said which is to the credit of the people among whom the Jews lived. It is hardly worth while to mention the charges which are brought against the Catholic Church, the Orthodox clergy, the Jesuits, the Germans, the Poles, the Russians, and others. There is little doubt but that the author can make his case good. Nowhere, however, unless when quoting, does he say a derogatory word about Jewish intolerance, bigotry, superstition, and ignorance—which differs only in kind from that of the gentiles under condemnation. It is surprising and disappointing that in a work of this kind there is no attempt made to discuss in an impartial and in an intelligent manner the Jewish problem, which is neither simple nor one-sided.

The book is full of facts of the kind indicated and smacks somewhat of the doctor's thesis (which it is not). It has no lights and shadows and no generalizations, of the kind that one has a right to expect. Although authorities are not always quoted there is no reason to question the author's accuracy and honesty and one may accept his statements of fact. The work is valuable so far as it goes; but the reader cannot help wishing that the author had gone deeper and had given something more than mere information. The translator seems to have done his work well, and it is probably not his fault that the book does not read more easily.

*Oxford Studies in Social and Legal History.* Edited by PAUL VINOGRADOFF, M.A., Corpus Professor of Jurisprudence in the University of Oxford. Volume V. *The Black Death.* By A. ELIZABETH LEVETT and A. BALLARD. *Rural Northamptonshire under the Commonwealth.* By REGINALD LENNARD. (Oxford: Clarendon Press. 1916. Pp. xi, 220, 135.)

THE studies here published are of the kind which constitute the foundation of English agrarian history. The workmanship throughout is minute and painstaking, the *finesse* of arithmetic and tabulation being everywhere visible. Mr. Lennard examined enough documents to convince him that "the most interesting fact which emerges from a study of these surveys is the great variety of conditions which obtained, even though the manors surveyed were all within a single county and all belonged to the Crown" (p. 130). The Northamptonshire surveys in question were those of royal estates offered for sale when the Commonwealth government needed to increase its income. Some twenty of these, dated about 1650, deal with 15,492 acres of land. One of them is examined in detail and compared with earlier sixteenth- and seventeenth-century descriptions. As a whole, Mr. Lennard's monograph thus supplements Tawney's *Agrarian Problem in the Sixteenth Century*. In the matter of tenures he shows that freeholds and copyholds persisted on a half-dozen manors, while on others royal policy had created leases for years, the tendency being to shorten their term to thirty-one years. Of these 160 leaseholds (areas of copyholds and freeholds are wanting), one-half contained between fifteen and one hundred acres, only seven more than two hundred acres, only four more than four hundred. Engrossing of farms, therefore, had not gone far. Arable farming too was persistent. Exclusive of the area of four parks, the arable stood to the meadow and pasture in the ratio of 44:56. Evidence regarding enclosure is slight but the author thinks that in Northamptonshire the process went slowly on. Information regarding this and other matters could have been found in enclosure awards and land-tax assessments of the eighteenth century. Without the incorporation of some such material the monograph seems incomplete.

Miss Levett's restricted use of available documents is still less justifiable than Mr. Lennard's. Having at her disposal the admirable records of the bishopric of Winchester, which relate to some sixty manors situated in six counties of England, she confined her study to eighteen manors largely in Somerset and Hampshire. Detailed as is the reproduction of the ministers' accounts of the eighteen for the period 1346-1356, it carries us only a little way in our knowledge of the effects of the Black Death. Nor is the exposition always lucid. Estimating the loss of population at Bishop's Waltham, Miss Levett seems to argue as follows (p. 80): The heriots paid indicate roughly the number of tenants who died, the fines roughly the number of survivors who became tenants.



To the latter we should at least add an equal number of surviving dependents. Hence "it is obvious that a loss of one-third of the population is an over-pessimistic estimate". Although the first premise is correct, the second one and the conclusion are mysterious. Why should we assume that only tenants died and none of their dependents? Although from such arguments we get no satisfactory estimate of the mortality caused by the pestilence (and a reasonable estimate is possible from the data), a few tentative conclusions do emerge from Miss Levett's study. Most obvious is the circumstance that no break occurs in the ministers' accounts of the sixty manors during the critical years; trained accountants everywhere maintained the full and neat record of manorial economy. The severity of the plague further varied greatly from place to place and those whom it assailed were more often cottagers than substantial tenants. It is clear, too, that on the eighteen manors in question, though the loss of life was great and the change of holdings extensive, the adjustment was prompt and before long complete. In the worst year only a small fraction of the vacated holdings was left in the lord's hands, while by 1354 the number of such holdings was almost negligible. Old tenures were soon restored. Miss Levett therefore questions at length Page's contention that the Black Death precipitated a commutation of services, finding, as she does, that there was no marked tendency in this direction during the decade after 1349. Nor does sheep raising seem markedly to have displaced arable farming. On only seven manors out of thirteen did arable land decrease before 1354 and on these the shrinkage was but fifteen per cent., whereas at Hull the increase of arable was about thirty per cent. As to wages, many increased twenty-five to thirty per cent., although in only one instance did they surpass those paid at some time during 1346 or 1347. They were distinctly higher too than the rates fixed by the Statutes of Laborers. Change in the prices of commodities Miss Levett does not discuss. On the whole her researches tend to show that the Black Death had fewer far-reaching effects than have often been ascribed to it. Considerable as was the immediate loss of life and the dislocation of industry, the disaster was largely obliterated before a decade had passed. How the Pestilence affected three of the bishop's estates is told by the late Mr. Ballard. At Witney in Oxfordshire two-thirds of the population died, and soon, it would seem, services were commuted and the demesne leased. On a manor in Berkshire and on one in Wiltshire little permanent change occurred. The diversity of these results indicates how much more investigation is needed before we shall know what in general were the effects of the Black Death.

H. L. GRAY.

*Slavery in Germanic Society during the Middle Ages.* By AGNES MATHILDE WERGELAND, Ph.D., Late Professor of History in the University of Wyoming. (Chicago: University of Chicago Press. 1916. Pp. xvi, 158.)

*History of the Working Classes in France: a Review of Levasseur's "Histoire des Classes Ouvrières et de l'Industrie en France avant 1789".* By AGNES MATHILDE WERGELAND, Ph.D., Late Professor of History in the University of Wyoming. (Chicago: University of Chicago Press. 1916. Pp. vi, 136.)

THESE two studies, reprinted in accessible form after Dr. Wergeland's death, serve as the fitting memorial of a woman of unusual ability and have, moreover, a recognized historical value to students of medieval civilization. The suggestive essay on *Slavery in Germanic Society during the Middle Ages*, which is the more important of the two, and to which Dr. Jameson has written a sympathetic and appreciative introduction, is based upon a study of the Germanic laws and northern sagas, the circumstances of Miss Wergeland's birth and training giving her peculiar qualifications for the interpretation especially of the Scandinavian evidence. Medieval slavery is discussed under the heads of Reduction, Restitution, and Liberation. Under Reduction are described the origins of slavery—conquest, purchase, and crime—and its traits as a state more or less permanent, before change has set in. Slavery in its most absolute form Miss Wergeland finds in the North where Roman influence did not extend: in the South the slave became more easily a serf. In its actual and essential characteristics, however, she believes that Germanic slavery did not differ from Roman. "If there is any difference, it is temperamental, manifested in carrying out the letter of the law, rather than juridical, in establishing the line of conduct." Greater interest lies, perhaps, in the discussion of the second and third points, the terminations of slavery, the influences tending "to break the awful monotony and create true change", and the resulting amelioration in the condition of the slave. Students of English institutions, whose records say comparatively little of slavery, will notice and perhaps question the large place claimed by Miss Wergeland for the upward movement of the slaves in Germanic society in general in producing medieval serfdom. The downward movement of freemen is not disregarded, but comes probably less clearly within the field of study. Of interest also is the emphasis laid on the uncertainty regarding the general criteria of serfdom, and a suggestive, although far from exhaustive, study of the degrees of unfreedom among different peoples. In this connection it should be noted that Miss Wergeland's essay was written some years ago and that it is definitely described by its author as a "generalization", and should not, therefore, be regarded as a contribution to controversial literature. Many difficult matters regarding social organization are left untouched or are only suggested. The somewhat philosophical point of view from which the subject as a whole is regarded is well shown in the discussion of the growth of the distinction between the lord's economic and moral responsibility for his slave, a distinction made inevitable by the increasing recognition of the slave's personality and responsibility

to society, and leading ultimately, in part through the influence of Church and King, to his transference from the position of a chattel to that of a person under "conditional guardianship". The discussion of the accompanying economic change incident to the slave's possession of *peculium*, taken by Miss Wergeland to include the purely precarious usufruct of the lord's land, is less clear, but the slight evidence collected from the laws regarding agricultural work performed by the slave for the lord should be noticed.

The second essay presents in convenient form some of the main points of Levasseur's great work for the medieval and modern period. It is a summary, clearly and vigorously written, rather than a criticism, Miss Wergeland telling us that the information and careful investigation of the author have compelled her to keep in abeyance any dissenting opinion. The review reproduces admirably the picture of the vivid life and varied activities of the guilds and fraternities of the Middle Ages and has the literary excellence of the other study.

Medievalists must regret that the circumstances of Dr. Wergeland's life made her work in her chosen field so limited in amount. Her clearness and vigor of thought, her love of scholarship, and her power of generalization mark the studies that she has left with an unusual distinction.

N. NEILSON.

*Histoire Corporative de l'Horlogerie, de l'Orfèvrerie et des Industries Annexes.* Par ANTONY BABEL, Docteur en Sociologie. [Mémoires et Documents publiés par la Société d'Histoire et d'Archéologie de Genève, tome XXXIII. (Geneva: A. Jullien; George et Cie. 1916. Pp. vi. 606.)

As early as 1477 we have official record of the presence of diamond-cutters in Geneva. This early mention appears in a list of the more well-to-do inhabitants of the city, drawn up when the Swiss levied a contribution upon it because the Genevans had allied themselves with Charles the Bold of Burgundy and with the Duke of Lorraine against the Swiss. In the list several of the citizens have the qualification *diamantarius* (p. 7). While it must be admitted that at a later period this was a general designation of those who cut the precious stones set in watches or in goldsmith-work, the term must originally have had a narrower meaning, referring particularly or exclusively to diamond-cutters. That such a designation should be not uncommon in Geneva in 1477 shows that the art of diamond-cutting, the initiation of which has been rather too hastily attributed to Lodowyk Berken of Bruges about this time, had probably been practised for a long time previous to the date of the Genevan list.

The important uses to which diamonds and precious stones are put

in the manufacture of watches makes the valuable contribution of M. Antony Babel to the history of Genevan horology of interest for all who have to do with precious stones.

There were already goldsmiths in Geneva in the thirteenth century and the craft must have flourished there, for in 1477 one of them owned a house worth 1200 florins, the highest priced house in the city being one valued at 7000 florins. None of these early goldsmiths seems to have made or even repaired clocks or watches. In 1556, however, it is recorded that the clock of St. Pierre was put in order by a certain Sermet Bronge of Geneva. The advent of French watchmakers was mainly due to the religious persecutions after 1550. This was probably the case with Charles Cusin of Autun, accepted as resident of Geneva July 12, 1574. His father Noel Cusin, with whom he served by apprenticeship, made round and oval watches.

The gild of horologists was definitely organized in 1601. The first article of their regulations directs that when they meet they shall pray God to keep them from doing or saying anything not "in His honor or for the well-being of the city".

An interesting episode in the history of Genevan watchmaking is Voltaire's partially successful effort to found a watchmaker's colony at near-by Ferney. Several of the craft having left Geneva because of civic dissensions Voltaire had a dozen houses erected near his Ferney chateau, increasing the number later to forty, and turned them over to the Genevans for an annuity of from five per cent. to seven per cent. on his investment. His private theatre was converted into a workshop, and watches ranging in price from \$12 to \$168 were made. However, in spite of his powerful influence he found it increasingly difficult to dispose of the output. He even had a shop opened in Paris for the sale of Ferney watches. After his death the local industry soon died out.

The early Genevan watchmakers had long hours. In 1684 a horologist engages to work assiduously eleven hours each day, "reserving the rest of the time for his repasts and for such use as may please him". The wages were low. In 1643 one who paid his own living expenses gets about \$173 a year, equivalent however to three times as much to-day. In 1663 an exceptionally skilled worker receives as much as \$154 a year.

Of the employment of women M. Babel writes:

In the second half of the seventeenth century some Genevan women timidly found entrance into the industry. They served an apprenticeship as chain-makers or polishers. Little by little they began to gain a surer footing in the craft, and sought to enlarge their sphere of activity, until finally the day came when the men became alarmed and organized for defence. This was an easy matter; all that was needed was to add a few articles to the corporative ordinances after having them sanctioned by the Council of Geneva, and the women were excluded from master-ship in the craft.

The book is a genuine treasure-house of information in the field it illustrates. It is to be hoped that the few items we have been able to present in this short notice will serve to draw the attention of all who feel interest in the history of watchmaking in Geneva.

GEORGE F. KUNZ.

*Personality in German Literature before Luther.* By KUNO FRANCKE, Ph.D., LL.D., Litt.D., Professor of the History of German Culture in Harvard University. (Cambridge: Harvard University Press; London: Humphrey Milford, Oxford University Press. 1916. Pp. ix, 221.)

THIS volume, consisting of six chapters originally delivered as lectures at the Lowell Institute in Boston (January, 1915), presents a more detailed survey than was possible in the author's *History of German Literature* of the evolution of German letters from the days of Chivalry and Minnesong to the turbulent period of the Reformation. As the title implies, and indeed in conformance with the writer's bent of mind, the book is a contribution to the history of civilization rather than to that of belles-lettres, a study of the growth of personality as mirrored in the literature of the period rather than of the evolution of literary forms.

The trend of the discussion leads toward a criticism and a contradiction of that theory of the contrast between Medievalism and Renaissance which was best expressed by Jacob Burckhard fifty years ago that in the Middle Ages "man was conscious of himself only as a member of a race, people, class, family or corporation—only through some general category. In . . . the Renaissance . . . man became a spiritual individual and recognized himself as such." Professor Francke, while by no means exaggerating the individualistic tendencies of the thirteenth and fourteenth centuries, proceeds to show by an analysis of such personalities as Walther von der Vogelweide and Hartmann von Aue; the mystics Tauler and Suso; Wolfram's Parzival and Gottfried's Tristan; popular song, the drama and the satire, that in Germany at least, individual methods of seeing and expressing had begun to manifest themselves early in the Middle Ages (one hundred years before Dante), and had experienced a steady growth to the days when Hutten and Luther stood out boldly from the dogmas of class and Church, proclaiming the autonomy of the human spirit. Perhaps we might add to this array of early individualists the character of Hagen in the *Nibelungenlied*. Whoever limned this figure, certainly had the gift which our author lauds in the singers of the folk-songs of setting forth character throbbing with life and viewed with freshness and precision of observation. We heartily approve of the emphasis given to the *Meyer Helmbrecht*, that caustic depiction of the disintegration of chivalric life. Probably few English readers are aware that we have here a great forerunner of the Village Tale (*Dorfgeschichte*).

As in his other writings Professor Francke reveals in this study a rare gift for sympathetic appreciation. This is perhaps best exhibited in the presentation of Walther von der Vogelweide, the Volkslied, and that complex and wayward yet inspiring soul, Ulrich von Hutten. Much insight also is afforded by the comparison of Wolfram's *Parzival* with his sources, betraying a far greater individualism in the treatment of older motives. A similar originality is found in the sermonizing of Berthold von Regensburg and in the pantheistic theology of Master Eckhart. In the characterization of Erasmus as well as in that of Hutten we are glad to see that the Latin writings of these leaders of sixteenth-century thought are treated as an integral part of German letters—a proceeding sometimes lacking even in German histories of literature.

Particularly elucidating is the correlation frequently found on these pages of the architecture, sculpture, and painting with the prose and poetry of the time to reflect the spirit of an epoch. Thus the folk-song and the simple strength of the Adam Krafft sculptures, the mysticism of Suso and of the Cologne school of painters, Dürer's "Knight" and Wolfram's *Parzival* reveal themselves as fruits of the same spirit of striving after a personal interpretation of life. How important it is that these manifestations of German artistic vitality and high accomplishment should be emphasized in a book which seeks to interpret the meaning of this period, appears from a chance remark found in the letters of Professor Charles Eliot Norton written in March, 1902, when lamenting the establishment of a Germanic Museum at Harvard: "If the Germans had ever produced a beautiful work either of painting or sculpture, the prospect [of a Germanic museum] would be less distressing." Such an exclamation emanating from such a pen shows that Professor Francke's work is worth doing.

Perhaps the quotations from the folk-songs would have been more valuable had they been translated, even though only into prose. The average reader can hardly be expected to master the intricacies of Middle High German. And it is precisely in bringing to the consciousness of the reader of average culture (not the specialist) this older and heretofore but little known period of German letters and German art that Professor Francke's great contribution lies. Leslie Stephen could say with justice in his essay, "The Importation of German" (found in *Studies of a Biographer*), that in the eighteenth century Englishmen could not be expected to struggle with the difficulties of the German language, when Germans themselves (quoting Frederick the Great and others) did not feel that they had any literature worth studying. Lately a change has been wrought in this respect even outside of Germany, and Professor Francke by his writings, his lectures, and his able directorship of the Germanic Museum has done much to help us in America to a juster understanding of early German letters and art.

CAMILLO VON KLENZE.



*Jean Bodin, Auteur de la "République".* By ROGER CHAUVIRÉ, Docteur ès Lettres. (Paris: Honoré Champion. 1914. Pp. 544.)

*Colloque de Jean Bodin des Secrets Cachez des Choses Sublimes entre Sept Sçauans qui sont de Differens Sentimens.* Edited by ROGER CHAUVIRÉ, Docteur ès Lettres. (Paris: Honoré Champion. 1914. Pp. 213.)

Two important contributions to the literature of Bodin appear at the same time, and not without good reason, for the author of the biography builds largely with materials found in the work which he edits. Furthermore, the *Colloque de Jean Bodin* is less familiarly known than his writings on political science and his views on religion have substantial grounds of their own for publication.

The colloquy on "the hidden secrets of things sublime" is an extended dialogue between seven learned men of different sentiments who in turn defend the various sects of Christianity and the great religions of the world, with a scheme of natural religion as well. This was a work of the later years of Bodin's life and was considered so dangerously heretical that it remained in manuscript until the nineteenth century. Its circulation in copies and translations was, however, considerable in learned circles and was the subject of comment and refutation by defenders of the faith like Hugo Grotius. The present edition is printed from a manuscript translation dating from the early part of the seventeenth century, the editor believing that this is more truly representative of the original work than the faulty Latin texts from which the printed edition of 1857 was made. Furthermore M. Chauviré has confined his labors chiefly to the fourth book of Bodin's work, providing for the other four a brief synopsis only. The author's interminable prolixity is sufficient ground for this selection and even Liber IV. which contains the gist of the discussion is subject to liberal excision. The extent of the favor thus conferred upon the reader is realized when one attempts to absorb any portion of the 358 closely printed pages of the Latin edition. Notwithstanding these repellent features of the book, the editor points out that from an artistic point of view the *Colloque* is the most successful of Bodin's works. Without extraneous description or comment, but simply through the words of their respective parts in the dialogue, Bodin has made seven characters stand out in vivid distinctness. They not only represent the theories of a group of religions but depict the living personalities of typical devotees. Of this result the fourth book here printed is sufficient evidence.

In his larger work M. Chauviré devotes about one-fifth of his space to the external biography of Bodin, a similar amount to his intellectual development, and some three hundred and fifty pages to the sources and theories of his *Politique*. Concerning Bodin's origin and family connec-

tion there has been considerable dispute, it being asserted on the one hand that his Christian father had married a Spanish Jewess, and to this was to be ascribed his evident predilection for Hebrew ideas. Documentary evidence of his birth is wanting, but M. Chauviré points out that Bodin's affection for the Old Testament is of slow development, that as author of the *Method of Historical Study* at the age of thirty-six he is clearly a Christian, and that his favorable views of Judaism appear chiefly in the *Colloque* written at the end of his life. The tradition seems to have resulted from an attempt in later time to explain the presence of these unpopular and heretical leanings. It is clear that in early youth he enjoyed the friendship and protection of eminent members of the clergy, and that throughout his life he conformed to the established religion.

In tracing the intellectual attitude of Bodin the author draws copiously from the *Colloque*. As to which of the characters in that work stood for the writer's own opinions there has also been extensive controversy. Equally accused of being Solomon the Jew, Toralba the advocate of natural religion, or Senamy the devotee of all the gods that are, the guilt of any one of these would make him a dangerous enemy of society in the sixteenth century. He was suspected of sympathy with the Protestant movement and was marked for persecution with its followers. At the same time, while conforming outwardly to the government which gave him official position, he was composing a treatise which invoked the toleration of all religions under the shadow of St. Bartholomew.

In discussing the sources of Bodin's *Republic* the author touches upon the great authorities in political science whose traces can be found in the work, from Aristotle to Calvin and his contemporaries. That he made use of the records of the States General and was familiar with a great quantity of the pamphlet literature of his day is equally evident, and this chapter lends valuable suggestion for the study of opinion in this period. To fit into the politics of that time the scientific views of this great theorist is a more difficult task, for the determination of the extent of their influence in his lifetime is elusive, but toward this end this book has made a conspicuous advance.

J. M. VINCENT.

*The Institution of the Archpriest Blackwell: a Study of the Transition from Paternal to Constitutional and Local Church Government among the English Catholics, 1595 to 1602.* By JOHN HUNGERFORD POLLEN, S. J. (London and New York: Longmans, Green, and Company. 1916. Pp. x, 106.)

MOST of the books on the Archpriest Controversy have been written from the secular point of view; Father Pollen's volume therefore adds definitely to the literature on the subject a conspicuously moderate,

though brief, narrative, written from the Jesuit point of view, but without any reflection of the rancor of the disputants from which none of the accounts written from the secular angle have been entirely free. He insists that acrimonious personalities were then and still remain beside the point. To him the real subject is "the establishment of a form of Church government" and to that "all else was secondary". The second Appeal is for him therefore a study in legislation rather than a judicial inquiry: the real object of the hearings at Rome was the discussion of the adequacy of a previous analysis of the English Roman Catholic situation and the consequent value of an administrative expedient already adopted to meet it. The significance of the final decision of the pope lay not in the affirmation of the interpretation by the appellants of the Constitutive Letters or in the censure of Blackwell and the interdiction of close relationship with the Jesuits, but in the decision of the pope to continue the missionary form of organization and in the confirmation of Blackwell's tenure of the office of archpriest. In describing the events leading to the issuance of the Constitutive Letters, Father Pollen holds that the decision to appoint an archpriest was reached by the pope himself independently of the Jesuits, for Parsons and the leading English Jesuits favored an episcopal organization. He hints (p. 23) that the Seculars made no consistent attempt to present to pope and curia in 1597 their arguments in favor of a bishop. By this and by other statements he implies that the opposition to the office of archpriest rose entirely after its institution and was the result of Blackwell's personal deficiencies and of the sixteenth-century tempers of all concerned.

This is of the utmost importance. If the office of archpriest was created in the teeth of Jesuit opposition, obviously the interpretation of the Constitutive Letters by the appellants and their subsequent defenders was and is a purely gratuitous inference, a reading into them what was not meant to be there, and resulted rather from the tactless conduct of Blackwell than from any intention of the Jesuits to retain control of Roman Catholic organization in England. Indeed, the Seculars are thus represented as quarrelling with the only Catholic authorities who agreed with them in desiring a bishop. Their opposition to the Jesuits becomes at once foolish, illogical, inexpedient, and wrong. Their assumption that the pope himself was not responsible for the Letters was an error of the first magnitude. Father Pollen has handled the subject definitely and temperately, but this conclusion is none the less strongly enforced.

It is perhaps surprising that he deals with this really crucial point in a few casual sentences (p. 25) and assumes its proof as an easily demonstrable fact rather than demonstrates it. He quotes no corroboratory evidence and merely refers in his foot-notes to some of the well-known papers, used by all previous writers, as if their meaning was beyond dispute. His willingness to dispense with conclusive evidence on so essential a point is the more astonishing because he sees clearly that hearsay evidence is not enough to convict Parsons of anything beside indiscretion

in his treatment of the first appellants in 1598 (p. 43). As a matter of fact, is it not uncritical to assume that because the English Jesuits can be shown to have discussed in their letters the question of episcopal organization and because Parsons had before him schemes for the introduction of bishops, that he and his order actually argued with the pope in favor of bishops and against the archipresbyterate in 1597? The Seculars at the time undoubtedly believed the contrary; the conduct both of Blackwell and of Garnet scarcely agrees with such an interpretation; the letter of Parsons to Garnet quoted in Usher's *Reconstruction of the English Church*, I. 182, from the original in Stonyhurst Archives, is hardly compatible with such a view. Does not this evidence raise a presumption too definite to be disposed of so casually and without the production of new evidence?

Father Pollen has made elaborate researches in the archives at the Vatican, at Simancas, at Brussels, and at Paris without discovering information of importance. Material considerable in amount but mainly corroborative and illustrative of what was already demonstrated from other sources he found in various collections but chiefly in the archives of the Cardinal Archbishop of Westminster. Nevertheless, the amount of new material utilized is not important and Father Pollen's account has retold the story with different emphasis rather than changed it.

ROLAND G. USHER.

*A Political and Social History of Modern Europe.* By CARLTON J. H. HAYES, Associate Professor of History in Columbia University. In two volumes. (New York: The Macmillan Company. 1916. Pp. xxvi, 597; ix, 767.)

THE plan of these volumes springs from a special conception of the requirements of a college course in modern European history. Professor Hayes feels that the collegian is often fed "so simple and scanty a mental pabulum that he becomes as a child and thinks as a child". To piece out or amplify the brief general statements of many texts by means of supplementary reading, without leaving bewildering gaps, is, he believes, next to impossible. He has, therefore, not shrunk from producing a text-book in two volumes, aggregating thirteen hundred pages, with statements sufficiently full on many topics to reduce the need of further reading, or, at least, to change the problem. His choice of facts and manner of exposition are clearly suited to the intellectual maturity of older college students and of the reading public beyond university walls.

A second feature of the plan is the emphasis upon recent times. Although the volumes portray four centuries of European development, they give about five-twelfths of the space to the period since 1867. The point of view is predominantly social, because the rise of the bourgeoisie is confessedly "the great central theme". Another main interest appears in the titles of parts IV. and V., "Democracy and Nationalism"

and "National Imperialism". The appreciations of nationalism are obviously prompted by reflections upon the causes of the Great War.

The style is open, lively, forceful, carrying the reader along rapidly, especially after the first quarter of the second volume is reached. Certain words, like "amazing", perhaps appear too frequently. In a few places we are treated to rhetoric rather than to a well-balanced statement of the facts of a situation. The word "reactionary" is overused, and often means persons unable to adjust themselves fast enough to social and political change. By a sort of optical illusion they seem to be moving backward, just as does a slow train when we rush past it in an express.

The second volume gives more scope to the author's qualities as an historical interpreter than does the first. In the second volume interest centres in chapters 21-25, which set forth the "Social Factors in Recent European History, 1871-1914", and explain the special form these factors took in England, France, Germany, Russia, and the minor states during that time. The author calls this the Era of the Benevolent Bourgeoisie, or, rather, he quotes the designation. The name suggests his apparent attitude toward the triumphant middle classes, which he represents as disconcerted occasionally by the confused, sometimes angry, cries from below, and as trying in a well-meaning but unimaginative way to make the least dangerous of the inevitable concessions. The twenty-first chapter also describes the interplay of Christianity and Politics, including "Clericalism" and "Anti-Clericalism", the "New Science", and its influence upon religion, and finally Karl Marx and Modern Socialism. This is a remarkably successful effort to co-ordinate certain characteristic tendencies in a clear, succinct, and vigorous statement.

The chapter on Russian problems is a refreshing exception to most accounts in English, because it is sympathetic and fair. In the explanation of the French Separation Act exception may be taken to the assertion that "it confiscated the bulk of ecclesiastical property". Had the pope permitted the *associations cultuelles* to be formed, as the majority of the French bishops, it has been alleged, desired, no new confiscation would have taken place. The cessation of the payment of stipends, it is true, reopened the old wound made by the nationalization of ecclesiastical property in the first revolution.

In dealing with the bourgeoisie the author seems at times dangerously close to the error for which he blames Bentham. He declares that Bentham was not democratic because "he had little faith in men", or, in other words, "believed them to be actuated by purely selfish motives". The passage on the Anti-Corn Law League is a case in point. To quote:

Richard Cobden owned cotton-printing works at Manchester and Sadben. John Bright was the son and partner of a Rochdale mill-owner. Cobden supplied the arguments, Bright the passionate oratory. They well knew that cheaper flour would benefit their own class, the factory-owners, and they eloquently demonstrated to the workmen that the Corn Laws were responsible for the sufferings of the poor.

This is much the same as saying that they were not merely self-seekers but charlatans as well. Fortunately Bright is better treated in connection with the Reform Acts.

The first volume traverses more familiar ground and necessarily re-states what has been described many times before. It is curious to read an account of the Protestant movement without any clear indication that it had a bearing upon the development of freedom of thought. The statement that "the new [Protestant] theology was derived mainly from the teaching of such heretics as Wycliffe and Hus" is as old as the sixteenth century and is no more accurate now than it was then. It may also excite comment that only the advantageous results of the Inquisition and the Index are mentioned.

In the sections on France in the eighteenth century, especially during the Revolution, are statements which need revision: for example, the reference to the poll or capitation tax as "trifling", the treatment of Adam Smith as a disciple of Quesnay, the remark that the defenders of the Bastille (implying all) were slaughtered, and the statement that the men who overthrew Robespierre were more conservative than he. The insurrectionaries of the 13th Vendémiaire are loosely described as "populace" and General Bonaparte, who repelled the attack on the Convention, is called a "captain". Furthermore, the legislation abolishing the feudal system is described as completed and accepted by the king "within a week". The facts are that the king did not formally accept the August decrees until November 3, and that a beginning of legislation to carry them into effect was not made until the following March. The decrees only abolished feudalism in principle. More serious are the argument that the atrocities of the Reign of Terror were "natural and inevitable" and the implication that their victims were all "royalists and reactionaries".

Each chapter of both volumes is furnished with a full bibliographical statement, many of the titles being accompanied by suggestive comment. There is an abundance of well-executed maps, eighteen in the first volume and thirty-eight in the second. Altogether these volumes will do much to stimulate the study of history among older college students.

H. E. BOURNE.

*The Century of the Renaissance.* By LOUIS BATIFFOL. Translated from the French by ELSIE FINNIMORE BUCKLEY. With an Introduction by JOHN EDWARD COURTENAY BODLEY. [The National History of France, edited by Fr. Funck-Brentano.] (New York: G. P. Putnam's Sons. 1916. Pp. xxix, 429.)

Of the usefulness of a history of France in half-a-dozen volumes of moderate size, written by French scholars of ability, unfolding the story of French life and thought and art, and adequately translated into English, there is no question. The great *Histoire de France*, edited by



Lavissee, is too large for the general public, and it is inaccessible to all who do not read French; while the attempt to crowd the narrative within the pages of a single volume has thus far always resulted in rigorous restriction to the well-beaten paths of politics, war, and diplomacy. Here, then, in this new series, one might well expect the work for which there has been an unmistakable need. But if the other volumes in the *National History of France* do not rise considerably above the level of M. Louis Batiffol's *The Century of the Renaissance* the hope of the seeker for such a history will find in them only disappointment.

M. Batiffol's book deals with the history of France from the death of Louis XI., in 1483, to that of Henry IV., in 1610. Of its ten chapters, notwithstanding its title, seven are devoted to politics, to details of the personal appearances and the comings and goings of royalty, to wars, and to the minutiae of international government negotiations. And in the three other chapters, despite the promise in the introduction of "many a page" to readers other than serious students, who look "for artistic or romantic *diversion*" (the italics are the reviewer's), not a great deal is to be found that has to do with the Renaissance. Clearly the author's conception of history is the one condemned almost half a century ago by John Richard Green—the political history of the state and the personal history of its rulers, with scant attention to the progressive life of the people.

One chapter has for its title the Drama of Protestantism. But nowhere is the subject of humanism, which paved the way for Protestantism, as well as for other things, adequately dealt with; and there is no evidence to show that the author is aware of the contributions to theological thought of the humanists whose names are mentioned in dealing with the first act of that drama. With a single exception nothing at all is said about the thought of these early humanists; and in the one case in which the thought of the scholar is indicated, that of Étienne Dolet, the author is mistaken. With the avowed heretics our author is no more at home. The amazing statement is made that Luther "contributed not so much to the founding of a new 'religion' as to the overthrow throughout Christendom of the ancient compact faith of the Middle Ages". Surely the founding of a new "religion" was Luther's essential work. "Lutheranism to the subjects of Francis I.", continues M. Batiffol, "was merely the right to criticize Catholicism". After this it is scarcely necessary to say that the doctrine of justification by faith alone is nowhere mentioned in the volume. "It was reserved for Jean Calvin", our author says, "to formulate *the* [the reviewer's italics] creed of Protestantism". Of the deluge of such creeds there is no indication. And, again, nowhere are Calvin's theological ideas enumerated and described. When the leading reformers are dealt with thus summarily the reader is not surprised to find Servetus dismissed with the statement that he "attacked some of Calvin's ideas"; nor is he astonished when he comes upon the artless statement that "it was some time" before Sebastian

Castellio's noble plea for religious tolerance "was accepted by the reformers".

The Renaissance in France fares no better at the hands of M. Batiffol than does the Reformation. He pauses for the briefest moment to wonder how much of it was due to the recovery of the classical heritage and how much was indigenous to the soil of western Europe. But never does he commit himself to an opinion. Of the forces that produced the great movement he seems unaware; of its subtler and more essential characteristics he apparently knows nothing. The Renaissance is defined as "that transformation, chiefly in the realm of the arts, by which the realistic, varied, picturesque, fantastic Gothic style, with its undisciplined freedom and disorderly appearance, gave way to an art that was idealized, regulated, subjected to geometrical canons and a well-balanced discipline". Such a definition is touchingly ingenuous. To speak of Gothic art as undisciplined and disorderly is to reveal the fact that one has never understood it; and to regard the spirit of the Renaissance as being, in its essence, one of idealization subjected to control that was mathematical in precision is to mistake it almost completely. Little wonder, then, that such men as Rabelais and Montaigne are dismissed with a few lines in which no attempt is made to explain their thought and indicate their influence, while several pages are devoted to the details of the assassination of Henry of Guise and almost as many to the mistresses of Francis I.

The translation is fairly adequate. It makes no pretension to literary excellence, seeking only to convey the statements of the author in a business-like manner. Scattered throughout the pages are a number of minor errors, but none of importance. The most useful part of the book is the final chapter, which gives a cross-section of France at the end of the sixteenth century. The various governmental institutions are there briefly, and, in most cases, clearly described.

It is not for the Renaissance, then, that one must look in this volume, but for the details of the political doings of the time. No single thread is missed from that somber tapestry of human passion. The new world of seemingly boundless intellectual possibilities is scarcely glimpsed by our author; the wakeful soul of the time, increasingly conscious of power and increasingly eager for possession, has largely escaped his attention. What he is interested in is the transitory, the fugitive, the contingent.

EDWARD MASLIN HULME.

*Portraits of Women.* By GAMALIEL BRADFORD. (Boston and New York: Houghton Mifflin Company. 1916. Pp. xi, 203.)

EIGHT of the nine portraits in this engaging volume are of women well known to the reading world; but it would be none the less gratifying to have some clue to Mr. Bradford's principle of selection. "Hazard" is the word he applies to it in his preface; but a biographer

does not choose nine stars out of the female firmament without being moved by personal preference, or by some delicate sense of congruity. The ladies so honored are usually his own intellectual harem, or they form component parts of an indissoluble group, each one serving to illustrate the characteristics and the circumstances of all.

Mr. Bradford's group lacks symmetry and coalescence. Lady Mary Wortley Montagu, Lady Holland, Madame du Deffand, and Madame de Choiseul fall together as notable women of the world. Madame de Sévigné stands apart by reason of her incomparable talent—the letter-writer par excellence of France. Madame D'Arblay and Jane Austen join hands, the one as a good, the other as a great, novelist. Eugénie de Guérin, exquisite and solitary soul, is, and must ever be, comradeless in a bustling world. And Mrs. Pepys—well, Mrs. Pepys was the wife of Mr. Pepys, a good-looking, fairly good-tempered, tolerant, thrifty wife, whose worth was admitted by her husband. Her presence in the volume destroys the theory of a literary seraglio. A man might reasonably be in love with seven of the nine ladies. No man of taste could help being in love with Madame de Sévigné, for whom, indeed, most men of taste have confessed a tender passion. But the excellent Mrs. Pepys stands outside the exalted circle. A fatal tendency to tell “long stories, though nothing to the purpose, nor in any good manner”, exiles her from the society of the elect.

One effort Mr. Bradford makes to link his portraits in a family piece. He probes the spirituality of each and every woman; he strives to ascertain, by the help of her spoken and written words, what God meant to her. It is a curious quest for a casual biographer, inasmuch as the supreme secret of the world is the attitude of the human soul to its creator. The confessants who have bared this secret are few and far between. Eugénie de Guérin writes with amazing candor, but her letters and journal were not meant for alien eyes. They have been given to the public, but at the cost of her betrayal.

The sovereign claim of Mr. Bradford's book upon our regard is its readableness. “Great men taken up in any way are profitable company”, says Carlyle. Brilliant women taken up in any way are also profitable company, and we cannot do better than linger a while with them in this agreeable volume. Mr. Bradford writes sympathetically. He sees his subjects through the eyes of their clever contemporaries. His anecdotes are few and well told. His quotations are many and well chosen. He recognizes the valor of Lady Mary Wortley Montagu's fight for inoculation. He shows how Lady Holland, for all her vaporous fears, met death “with resolution and perfect good humor”. His analysis of Madame D'Arblay's character, her moral courage and intellectual timidity, her easy emotions and strong social instincts, is exceedingly happy and convincing. Of Madame de Sévigné, he says wisely, “She took nice and constant counsel for the welfare of her soul.” And of Madame de Choiseul, that even her desire for affection was tactful:

"She never intruded her feelings at the wrong place or time." However well we may have known the nine ladies whose portraits are painted in this book, we know them better when we have read it.

AGNES REPPLIER.

*The Commonwealth of Nations: an Inquiry into the Nature of Citizenship in the British Empire, and into the Mutual Relations of the Several Communities thereof.* Edited by L. CURTIS. Part I. (London: The Macmillan Company. 1916. Pp. xix, 722.)

THE study of which the above volume forms the first part, is designed to provide a scientific and historic basis for the effort to develop the *British Empire into an actual cohesive commonwealth*. It is in essence a report made up from the discussions of the "Round Table Groups", which were formed in 1910 and after, in the various British colonies, for the purpose of studying the nature of citizenship in the empire and, if possible, of suggesting some solution of the more pressing imperial problems. Topics were distributed among the various groups, preliminary studies were made, and the results of the investigations and discussions collected. The matter thus gathered is now given us in part by Mr. Curtis, who has edited the first division of the main report. This division deals with the origins of the British Commonwealth, with the causes which led to its partial disruption in 1783, and with the establishment of a separate commonwealth in America. Part II., as projected, will deal with the subsequent growth of the dismembered British Commonwealth; in part III. it is proposed to examine the principles upon which the members of the widely scattered colonies may retain their status as British citizens in a common state.

The character of the investigation is anything but narrow in its scope. The present volume presents what really amounts to a survey of imperialism in its relation to democracy from the sixth century B.C. to the nineteenth century of the Christian era. After a brief introduction setting forth the chief characteristics of the existing British Empire, it begins with a survey of the rise and fall of city states in Greece, a description of the imperialism of Rome, and a discussion of the later Holy Roman Empire; a brief sketch of the English Commonwealth is followed by a general narrative of the opening of the seas and the beginnings of modern imperialism, and an analysis of the eighteenth-century commercial system. The report then deals with the inclusion of Scotland in the British Commonwealth, gives an account of the American colonies, and a general sketch of the Irish problem from Henry II. to the Union. The last two chapters are concerned with the American Revolution and its effects, and with the growth of the American Commonwealth to the Civil War.

The intrinsic interest of the subject and the editor's gift for sug-

gestive, if not invariably accurate, generalization save the book from dullness. But it is not easy to visualize the audience to which it is addressed. The lay-reader, despite the clearness of style, the auxiliary plans, and the handsome appearance of the book, will hardly be attracted to the seven hundred pages of solid matter. Nor will the scholar be apt to find it of great use. It is essentially an edition of reports, lengthy but marked by serious omissions, made by industrious and intelligent laymen, and drawn from familiar secondary material. Thus the second chapter, dealing with the English Commonwealth, is based almost exclusively upon Freeman's article, "History of England", in the tenth edition of the *Encyclopaedia Britannica*, and upon Dicey's *Law of the Constitution*. The chapters covering the commercial system and the American colonies are based almost as exclusively upon Beer and Lecky. The main portion of the chapter upon Ireland is drawn from Lecky's *History of Ireland*; the discussion of the American Revolution is chiefly based upon Marshall's *Life of Washington*.

The book is, in appreciable part, a compilation, as is indicated by the large amount of matter directly quoted. Quotations of a page or more in length are frequent; excerpts extending over three or four pages of print are not rare. The fourth chapter of Dicey's *Law of the Constitution* and the fifth and sixth chapters of Beer's *British Colonial Policy* are printed intact; in addition there is a quotation extending over thirty-four pages from the latter work, while the editor also gives us *in extenso* the Articles of Confederation and the federal Constitution with all its amendments.

The purpose of the work is warmly to be commended, but its value to historical scholars is at least questionable.

CHARLES SEYMOUR.

*Ireland under the Stuarts and during the Interregnum.* By RICHARD BAGWELL, M.A. Volume III., 1660-1690. (London and New York: Longmans, Green, and Company. 1916. Pp. xi, 351.)

WITH the appearance of the third volume of his history of Ireland under the Stuarts, Mr. Bagwell brings to a conclusion the second part of his monumental labors in Irish history. More than thirty years ago there appeared the first installment of his history of Ireland under the Tudors—which in fact was much greater than its title would imply, as it began with the first invasion of the Northmen. Since then he has added to his work till we now have an account of Ireland during the sixteenth and the greater part of the seventeenth century filling some five considerable volumes. It is, perhaps, almost unnecessary to say that this surpasses in extent and, what is more important, in accuracy, the work of any other Irish historian on this period, and that Mr. Bagwell, in consequence, has achieved at least such distinction as falls to the lot of an exhaustive "authority" within his chosen field. One may only

hope that he may be able to continue his work with Ireland under the later Stuarts and the Hanoverians, and give us his rendering of the story told by Lecky and Froude.

Meanwhile we must be grateful for the first adequate account of Ireland during the Restoration. For that, in a sense, is the chief contribution of this present volume. Irish history during the reign of James II. and the early reign of William and Mary is an oft-told tale, and the labors of many historical workers, headed by the genius of Macaulay, have been spent especially on those years which culminated in the battle of the Boyne. The same is measurably true of the Cromwellian period. But hitherto, as in English history, we have lacked an equally comprehensive account of Restoration Ireland. This want Mr. Bagwell has now supplied and the present history which covers the years from 1660 to 1690 in somewhat more than three hundred pages is a welcome addition to the rapidly increasing body of historical literature relating to the island.

The subject of the present volume, like that of its predecessors, offers a peculiar problem to its historian, akin to that which Gardiner faced, and solved by not dissimilar processes. The Restoration settlement of Ireland, like the Cromwellian and Elizabethan settlements before it and William's settlement thereafter, forms a peculiarly controversial subject, amid whose pitfalls one must walk warily. Mr. Bagwell, like Professor Gardiner, has, by mental habit or necessity or both, solved his problem by sticking to the facts. From his pages are eliminated that passion which has made most Irish history all politics, and that memory of wrongs which has made most Irish politics all history. His narrative is plain and simple to baldness, and amid the infinite complexities involved in the words "claims and claimants", "Nocents and Innocents", "cases and dissatisfaction", opposition, remonstrance, disputes, riots, abuses, retaliation, discontent, intolerance, evils, and—to sum up the whole—"incompatibility", which fill his pages, and whose very enumeration in a sense determines and describes the period he treats, the author makes his cautious, unemotional but observing way.

In his hands the Restoration settlement appears just what it was, an effort foredoomed to failure to satisfy claims wholly incompatible, in a situation made impossible by what had gone before. To that was added the beginnings of a protective system in the Cattle Bill against Irish importation which made the case all but hopeless for prosperity as it had long been hopeless for peace. To the twenty-five years of this unhappy period of Ireland under Charles II. Mr. Bagwell allots rather less than half of the present volume. The five crowded years between the accession of James II. and the battle of the Boyne receive a similar amount, and the remainder of the book is taken up with chapters on society and the churches during the period. The allotment is significant. Ormonde's first administration from 1660 to 1668 and his second from 1677 to 1685 form the real backbone of the period as of its history.



The rule of Robartes and of Berkeley and of Essex were but an interregnum. And in these pages Ormonde becomes not merely what he appears in English history, a staunch and honest Protestant royalist, but an unusually able and sincere public servant. The others come off less happily, Berkeley in particular. Of the events the Irish Cattle Bill is naturally the chief and it may be said in passing that here is to be found the first account which can be called even reasonably adequate of that important measure. In striking comparison with that is such a chapter as that describing the siege of Londonderry. "It was the remark of a brilliant writer", says Mr. Bagwell, "that trying to describe the siege of Londonderry after Macaulay was like trying to describe the siege of Troy after Homer. No elaborate copy need be attempted here." There, in a sense, you have the measure of the book after it reaches 1685. It is far from being a copy of Macaulay. The style, throughout, is ragged and inconsequent, it abounds in isolated statement of fact; unless one were interested in the subject to begin with it might well be unreadable. Yet there is much of "the root of the matter" in it. It abounds in sentences and phrases which reveal the author. "A cloud of Irish witnesses continued to obscure the truth." "The lame foot of justice halted until 1694." And, however inspired by Macaulay's third chapter—and however different from it—no one can read the present account of Social Ireland between the Restoration and the Revolution without interest, amusement, and improvement. It would be easy to indicate a score of places in which a reviewer would differ with the author in questions of perspective, of the relation between English and Irish affairs during this period, or of the bearing of the less tangible factors of politics upon events. It might be possible to make out a case for, let us say, the Irish Popish Plot; and one may well regret the omission of reference to the subterranean activities which centred in the Whites, and their relations to the Duke of York. But, making allowance for the lack of style, no student of Irish history, or of the late seventeenth century, but must be more than grateful for the mass of information here brought together, and no future historian but must take account of Bagwell, as he has taken account of Macaulay.

W. C. ABBOTT.

*Lord Granville Leveson Gower (First Earl Granville): Private Correspondence, 1781 to 1821.* Edited by his daughter-in-law, CASTALIA COUNTESS GRANVILLE. In two volumes. (New York: E. P. Dutton and Company. 1916. Pp. xxviii, 510; ix, 597.)

IN a rather indefinable way these volumes are of absorbing interest. As a collection of letters alone, they well repay reading.

Lord Granville appears principally as the person written to, so that the title used by the editor does not quite bear out the substance of the

text. For the correspondence proceeds chiefly from one of Granville's friends, Lady Bessborough. An unconventional attachment between the two, begun in 1794 when Lady Bessborough was already thirty-three and Granville scarcely twenty-one, occasioned the almost daily letters that passed between them. The ardor of their intimacy, which remained throughout irreproachable, spent itself in the passionate interest Lady Bessborough bestowed upon Granville's political career. Of the two, as these letters show, hers was by far the keener mind, the finer ambition, and the stronger will. Fate perversely ordained her the beneficent genius of this undeniably handsome, spoiled, and quite second-rate statesman.

Lady Bessborough's associations were with Holland House. Granville was a follower of Pitt and Canning. But as Granville's correspondent, Lady Bessborough remained always impartial in her selection of news; in fact she kept in touch with every political clique in London. Often her ability or luck in acquiring information at first-hand seems phenomenal. Canning once complained that he was obliged to have recourse to her for what passed in sessions of the Cabinet, as Pitt did not divulge to him the results of ministerial deliberations. Many of her letters then are new and authentic disclosures from inside the official political circle.

But the more general value of the collection is derived from Lady Bessborough's own remarkable character. The critic who said of Mrs. Browning that she was not a poetess but a poet, drew a distinction which applies to Lady Bessborough as a political correspondent. There is in her letters such strength and discerning sympathy and spirited judgment; such evidence of a cultivated intellect suffused with feeling; that only the society of pre-Revolutionary France can furnish a comparable example.

It is no small pleasure and no small gain to be able to view the great characters of this period (1794-1821) through the eyes of an observer of Lady Bessborough's temperament. For purposes of research a limited portion only of what she writes may be actually new and useful; yet the period is made richer when its men and events stand out in an epistolary style of such unexceptionable quality. It is impossible not to catch eagerly at every impression Pitt, Canning, Fox, Sheridan, the Prince Regent, Lord and Lady Holland, and a dozen others make upon Lady Bessborough's mind; especially as she writes with a delightful absence of self-consciousness, and as one within the circle.

The miscellaneous character of the correspondence as a whole, including the letters from Granville's family and his political acquaintances as well, make a critical valuation difficult. In the 90's Pitt appears in the background as a cold, Olympian presence, felt rather than seen. When Lady Bessborough says of one of his speeches: "It was the most brilliant, spirited, and *unfeeling* I ever read", we welcome the phrase as a genuine and telling expression of opinion. The picture of Pitt after

1801 is clearly that of the "Superior Being" fallen from his high estate, and forfeiting the respect of his friends by a too obvious manoeuvring to retrieve lost ground. But there is a crescendo of admiration as Pitt nears his end; the long letter on his death is most minutely circumstantial, and will probably supersede any previously published description. Canning's repellent air of self-conscious rectitude appears nowhere more clearly than in one of his own letters to Granville describing his having fallen in love. He writes as though defending himself from the Opposition for a lapse of official conduct. A distressful picture of Sheridan as a drunken blackguard, persecuting Lady Bessborough with attentions, balances an equally distressful picture of the Prince Regent grovelling before her with an amorous proposal. Granville's part in Malmesbury's peace missions to the Directory, and his own missions to Berlin and St. Petersburg, and Lady Bessborough's descriptions of Paris society in 1802-1803, are noticeably good. Countless small points, such as—the slump in the London stock market when word of Jefferson's election was received, the report of Lord Selkirk's appointment as minister to Washington in 1806, the bungled arrangements at Nelson's funeral, etc., will be new to many; and a letter of 1812 is fresh material for the episode between Lady Bessborough's daughter, Lady Caroline Lamb, and Lord Byron. The descriptions of Holland House and its society are as vigorous as Sidney Smith's and deserving of equal recognition. One or two letters from Ireland epitomize with sympathy for the peasant the difficulties of the land question.

Lady Granville's work as editor has been conscientiously done; the task was by no means a light one, especially as parts of letters sent through the diplomatic bag of the Foreign Office required deciphering. The date of the *Anti-Jacobin* (I. 195, note) is incorrectly given. The index, essential to the use of such scattered material, is, with one or two exceptions, fully adequate.

C. E. FRYER.

*The Chartist Movement in its Social and Economic Aspects.* By FRANK F. ROSENBLATT, Ph.D. Part I. [Studies in History, Economics, and Public Law, edited by the Faculty of Columbia University, vol. LXXIII., no. 1, whole no. 171.] (New York: Longmans, Green, and Company. 1916. Pp. 248.)

*The Decline of the Chartist Movement.* By PRESTON WILLIAM SLOSSEN, Ph.D. [Columbia Studies, vol. LXXIII., no. 2, whole no. 172.] (*Ibid.* 1916. Pp. 216.)

*Chartism and the Churches: a Study in Democracy.* By HAROLD UNDERWOOD FAULKNER, Ph.D. [Columbia Studies, vol. LXXIII., no. 3, whole no. 173.] (*Ibid.* 1916. Pp. 152.)

It is a little over sixty years since a book wholly devoted to the history of the Chartist movement was issued from the English press; for

not a single book on the subject has appeared in England since Gammage published his history in 1854. Gammage's history, a history written from inside the movement, has been reprinted at least once in England, and in a much larger form than the small, closely-printed volume published for Gammage by Holyoake, who was also of the Chartist movement. A German and a French study of the Chartist movement have been published; and the movement has had some attention in review articles and in books on the history of socialism in England. But despite the great and persistent activity of the working-classes in England in political life since the extension of the parliamentary franchise in 1885, and particularly since 1900, no English student of politics in the nineteenth century has so far attempted a detailed history of the remarkable working-class agitation of 1837-1854. With the havoc that the war is making among the younger generation of students of history in England, it is unfortunately not probable that any book on Chartism by an English student can be forthcoming for a long time. Under these circumstances students of history all over the English-speaking world are under an indebtedness to Messrs. Rosenblatt, Slosson, and Faulkner, and to the department of history at Columbia University, for these distinctly serviceable studies of the Chartist movement.

Mr. Rosenblatt's book on the social and economic aspects of the movement is the most detailed of the three studies. It is planned on a much larger scale than either Mr. Slosson's treatment of the decline of the movement, or Mr. Faulkner's study of the attitude of the churches toward Chartism. Mr. Rosenblatt in his two-hundred-odd pages of text carries the history of the movement only from 1837 to the Chartist riots at Newport, South Wales, in November, 1839, and he intimates in his preface that his original intention was to publish an extensive study covering the whole of the movement—a movement that did not completely die out until 1854. Such a plan involved a sojourn in England to collect additional material. This was frustrated by the war; but Mr. Rosenblatt promises a second volume at a later date. As far as it goes his study is, on the whole, a satisfactory piece of work. It is particularly so as regards the sketches of the leaders of the movement, and of the spirit in which they preached the gospel of revolt. He is less successful when he describes the political, industrial, and social conditions that gave birth to the Chartist movement. Peterloo is an old and oft-told story, and from the time the wide-spread popular agitation for a reform of the old representative system began in the decade of the American Revolution until the eve of the Reform Act there was only one Peterloo, and no one year in which it could be said that "revolt and anarchy reigned supreme in all the manufacturing districts". Looseness of statement is also obvious in the assertion—again in Mr. Rosenblatt's description of political and social conditions in the three decades that preceded the Chartist movement, that "executions for high treason became common events". In the chapter on labor legislation and trade unionism, Mr.

Rosenblatt, in describing the attitude of the House of Commons towards those Radicals who continuously interested themselves in the fortunes of the wage-earning classes, makes the statement that "even Francis Place, the champion political wire-puller and labor lobbyist, for a long time could hardly secure a hearing in Parliament". No wonder, for Place never was of the House of Commons.

Mr. Slosson's title, *The Decline of the Chartist Movement*, does not quite adequately describe his book. Such a title suggests a study of the movement only from the failure of the great petition of 1848. Mr. Slosson's best work, it is true, is of the years that followed the fiasco of the Kennington Common mass-meeting of 1848. But his story of the movement as a whole is singularly complete and quite comprehensive. If there were no other book on Chartism in existence, Mr. Slosson's study would serve most students of English political movements of the nineteenth century. It certainly would serve to the full those students who are already familiar with industrial and social conditions in England from the American Revolution to the first decade of Queen Victoria's reign. Clearness of presentation is the characteristic of Mr. Slosson's work. This is obvious and of much advantage when he is describing the attitude of the Chartists towards the agitation of the Anti-Corn Law League, and the relations of the Chartists to Sturge and Miall and other middle-class reformers, who unsuccessfully sought the aid of the Chartists in securing an extension of the parliamentary franchise which should include the wage-earners. Clearness both of statement and of reasoning are also obvious when Mr. Slosson is discussing to what extent greatly improved industrial conditions after 1848 accounted for the disappearance of the Chartist movement, and again when he is examining the advantages, direct and indirect, that accrued to the wage-earning classes of England in the last half of the nineteenth century from the Chartist agitation of 1837-1854. Mr. Slosson's sympathies are with the movement. But his sympathies have not biassed his judgment, and his statement of these gains has a good basis. He makes out a case for each; and in this survey—one of the most permanently valuable features of his book—he omits only one other advantage that can be credited to the Chartist movement. It was the most effective movement for popular political education that ever influenced English life before the organization of the present-day labor parties in English politics.

*Chartism and the Churches*, Mr. Faulkner's contribution to these studies, is much shorter than either Mr. Slosson's or Mr. Rosenblatt's book. Mr. Faulkner's field was not nearly as large as those of his colleagues. He has worked it with intelligence, resourcefulness, and thoroughness; and has written a book of which the full value is not stated when it has been said that it is an excellent, almost indispensable companion volume to those of Messrs. Rosenblatt and Slosson. It is a distinct contribution also to the history of the Established Church, the

Roman Catholic Church, and the Nonconformist or free churches of England and Scotland in the first ten or fifteen years of Queen Victoria's reign. It deals with an aspect of organized Christianity in Great Britain which has been generally ignored by church historians, and scarcely mentioned by the general historians of the nineteenth century. The attitude of each church towards the Chartists is examined by Mr. Faulkner; and about the only criticism of his presentation of the results of his research in a field hitherto unexplored, is that it might have been well in describing the attitude of the Chartists toward the Established Church in England to have added a page comparing the church to-day with the church at the beginning of the Chartist agitation. Then even readers who have no intimate knowledge of the Established Church in the first half of the nineteenth century would at once realize why the Chartists were much more bitter against the Church of England than against the Catholic and the Nonconformist churches. In 1837, the year in which the Chartists began their agitation, the Established Church was almost as much in need of reform as the representative system had been from the reign of Queen Elizabeth to 1832.

EDWARD PORRITT.

*Memoirs of M. Thiers, 1870-1873.* Translated by F. M. ATKINSON. (New York: James Pott and Company. 1916. Pp. 384.)

THIS is an extremely interesting book, both because of the personality of the author and because of the events of which he treats, and of which he was himself a large part. The book is a chapter in autobiography, that chapter being far and away the most crowded, the most intricate, and the most useful of a long career. It fell to the lot of Thiers to render an exacting, a painful, and a splendid service to his country after the allowable threescore years and ten had run out. Emphatically the end crowned the work.

The text of these *Memoirs*, of which this is an accurate and satisfactory translation, first appeared in 1903, although it had in fact been printed two years earlier. Several persons had already seen it, and particularly Hanotaux, who reproduced several passages in the first volume of his *Contemporary France*, which "indiscretion" is said to have hastened the publication entire of these notes and recollections.

The volume consists of four parts, unequal in length, naturally enough, as the events described were of unequal significance. First we have a clear, compact account of Thiers's diplomatic journey to England, Austria, Russia, and Italy during the Franco-Prussian War in search of diplomatic or military aid for France. This account consists of notes written in the form of a journal and covering the period from September 13 to October 28, 1870. The notes are precise, detailed, and entirely contemporaneous. They give us clear indications as to why the various nations either did not care, or did not dare, to furnish the aid desired. It was a fruitless but illuminating voyage. One thing came of it. Eng-



land and Russia promised to support any steps Thiers might take to bring about an armistice with Prussia.

These attempts form the second section of the volume. The purpose of the armistice was to permit the election of a National Assembly, which might give a legal basis to the revolution of September 4, and thus invalidate Prussia's contention that she did not know with whom she could negotiate. From November 1 to November 7, the negotiations went on between Bismarck and Thiers. Bismarck was not opposed to the idea of an armistice, but the terms he granted were so unfavorable that the negotiations fell through. During the discussions Bismarck's attitude toward the intervention of neutrals in this war was emphatically and repeatedly indicated. Briefly, this was none of their business, nor would they be permitted to take any part in it if he could prevent it.

The third section of the book contains a brief and vivid account of Thiers's preliminary negotiations for peace with Bismarck in February, 1871, which were the basis later of the treaty of Frankfort. During the negotiations Bismarck described the demand for an indemnity of six milliards as "very modest" since the cost of the war came to four milliards. Thiers contested this statement with spirit and with facts, and asserted that such a sum would mean at least three milliards of profit for Prussia, which would thus turn the war indemnity "into a mere financial speculation". During these negotiations the Swiss minister, Kern, wishing to point out the interests of his country, had an interview with Bismarck in which he was very badly received. "What are you coming here for?" Bismarck asked. "What are you trying to meddle in? This is a question to be settled between France and us; and you neutrals are not to meddle at all with it."

The larger part of this book, over 200 pages, is devoted to an account by Thiers of his term as president from February 17, 1871, to May 24, 1873, an account written after his fall from power. It is in the best sense *pièce justificative*, an *apologia pro sua vita* as head of the state during the most difficult and trying period. The contents are so weighty, the form of the narrative so admirable, in order, brevity, and clarity, the tone so free from rancor, or from boasting, yet so candid, that it should be read in full. Indeed it is indispensable for anyone who desires to know the political ideas of Thiers, the history of his government, and the highly critical infancy of the Third Republic.

I doubt if there could be a more truthful summary of the presidency of Thiers than that furnished by himself in the concluding paragraph of this volume, written after his overthrow: "Next day I hastened to make preparations for my departure, and to return to Paris after an absence of three years, during which I had governed with moderation and firmness, in the ways of rectitude, sustained by the confidence of France and the esteem of Europe."

CHARLES DOWNER HAZEN.

*Contemporary Politics in the Far East.* By STANLEY K. HORNBECK, B.A., Ph.D., Assistant Professor of Political Science in the University of Wisconsin; Sometime Instructor in the Chekiang Provincial College and in the Fengtien (Mukden) Law College. (New York: D. Appleton and Company. 1916. Pp. xii, 466.)

PROFESSOR STANLEY K. HORNBECK has given us a really valuable study in the field of Far Eastern politics. And this is saying a good deal, for the literature of the Far East is overloaded with works of appalling superficiality or misleading partizanship. The prevailing ignorance in the West of Eastern affairs gives the opportunity to writers of the first class, while it seems to be quite as difficult to consider with even mind the relations between China and Japan as it was—and is—to consider those between France and Germany. In the preparation of *Contemporary Politics in the Far East* Professor Hornbeck had the advantage of unusual opportunities for observation in China and of research both there and at the University of Wisconsin. His statements are based upon the best available authorities, and although the reader may detect where his sympathies lie, he has rarely permitted his feelings to affect his judgment. For the period it covers, his book will win a place as a sound and useful work of reference. But it contains a striking example of the dangers of prophecy in the Far East, even when the course of events seems plainly marked out—in a second edition chapter VI. will probably bear a new title in place of "China: the Return to Monarchy".

The volume is divided into two parts or books. The first, dealing with politics in China and in Japan, devotes six chapters to a survey of Chinese political development between 1911 and 1916, and four chapters to Japan since the coming of Commodore Perry in 1853. In both cases the chapters on contemporary politics are well handled, while the attempt to condense fifty years of Japanese progress into twenty-five pages of text has occasioned most of the few errors in fact found in the volume. The second book deals with the contemporary relations of China, Japan, and the United States, and this in turn is divided into two sections. One, the recent past, treats of the expansion of Japan into Korea and South Manchuria, of the scramble for concessions in China, and of the open-door policy; and the other, the recent past and the present, considers such immediate questions as Japan and Germany, Japan and China, Japan's Monroe Doctrine for Asia, Japan and the United States, and China and the United States. It is in the latter section that the author has yielded slightly to the temptation to do something which, he tells us, is not the purpose of the book, "to pass judgment upon policies or to offer possible solutions for problems; the task in hand is that of setting forth facts". In dealing with contemporary events it is so difficult to get the facts, and so easy to deal with probabilities and possibilities, that even so thoughtful an investigator as Professor Hornbeck has been unable to cleave to the line. This leads to certain assumptions. Thus, the open-

door and integrity-of-China agreements "may as well be acknowledged to have become, potentially at least, so many 'scraps of paper'" (p. 242). "The American government in its official advocacy of the open-door policy assumed a position of responsibility. . . . This responsibility makes imperative something more than mere reiterated protestations of friendly interest. It calls for most careful consideration and substantial, constructive political and economic effort" (p. 403). "The question of the peace of the Far East lies with the fate of China. If China can develop strength to defend her own integrity, the peace of the Orient may be preserved." "Unless the powers *do* interfere in one way or another, it would seem that one of two things must happen: either China will pass under the tutelage—if not the vassalage—of Japan; or China will have to fight to preserve herself from national extinction" (p. 357). These statements seem to be "judgments upon policies" and "possible solutions for problems", and as such they will stimulate thought, if not win complete endorsement. Certainly it would be of interest to learn what sort of "political and economic effort" the United States should make to give vitality to the "scraps of paper".

PAYSON J. TREAT.

*Histoire Diplomatique de l'Europe depuis le Congrès de Berlin jusqu'à Nos Jours.* Par A. DEBIDOUR, Professeur à la Faculté des Lettres de l'Université de Paris. Première Partie. *La Paix Armée (1878-1904)*. [Bibliothèque d'Histoire Contemporaine.] (Paris: Félix Alcan. 1916. Pp. xii, 359.)

THIS volume forms the continuation of M. Debidour's well-known *Histoire Diplomatique depuis l'Ouverture du Congrès de Vienne* and is to be followed shortly, he tells us, by another which will cover the decade immediately preceding the war. He will thus have completed his survey of international relations during the century between the Napoleonic Wars and the present titanic struggle. M. Debidour's history of the earlier period has been recognized generally as the standard brief account of European diplomacy from 1814 until 1878, and his continuation will doubtless be accorded the same position for the later epoch. It is comprehensive, concise, and well proportioned; furthermore, the matter is arranged and presented in that vein of lucidity which in works of a synthetic character has often seemed to be a monopoly of French writers.

Taking up the narrative upon the morrow of the Berlin Congress, the author sketches the unsatisfactory nature of the settlement of 1878 in the Near East and the rivalry of Russia and Austria; he is thus brought to a consideration of Bismarck's negotiations with the latter power which culminated in the Dual Alliance of 1879. Without losing sight of the continued chaos in the Balkans and its effect upon Austro-Russian enmity, he traces the development of the Dual Alliance into the Triple Alliance by the accession of Italy in 1882. A survey of the colonial

policy of the Powers, with emphasis upon the growing tension between France and England, which resulted from the Egyptian imbroglio, is followed by a sketch of the beginnings of Germany's colonial ambitions and the last years of Bismarck's chancellorship. The author devotes much attention in this part of his work to the long-continued Bulgarian crisis, with its effects upon Russo-German relations, and lays emphasis upon the financial origins of the Franco-Russian Entente. The inception of that new alignment in European diplomacy and its development into the Dual Alliance of 1894 form the chief subjects of the survey of the years which followed Bismarck's disgrace. Without breaking the continuity of his narrative, the author interjects phases of Italy's and Great Britain's colonial activities in Africa and the rivalry of each power with France. In his last chapters he describes the British struggle with the Boers and shifts the scene rapidly to the Far East and the Russo-Japanese War, indicating the effects of each upon the relations of the European states. His final chapter is devoted to the reconciliation of France with Italy and the Anglo-French Accord of 1904.

M. Debidour has adopted the strictly chronological method in the presentation of his material, synthesizing the diplomatic events as they occur, almost year by year. The work suffers from the obvious defect of this method, which in the hands of a less skillful writer would perhaps be fatal. The diplomatic history of Europe is extremely complicated and most historians, in seeking to attain clarity of exposition, have felt the need of finding a single thread upon which to string their facts: sometimes it has been the development of Germany, sometimes the spirit of *revanche* in France, sometimes the Eastern Question. Such a factitious aid to his exposition is disdained by M. Debidour. In a single chapter he skips from the British and Italians in Africa to the internal affairs of France and Russia, from the treaty of Shimonoseki to the French in Madagascar, from the Jameson Raid to Armenian atrocities and the Turkish-Greek War of 1897. This method of exposition, although the transitions are invariably clear, is perhaps not suited to the convenience of a beginner in recent history. But the author has gained immeasurably thereby in freedom; he can treat his topics pragmatically, giving each the amount of space and the emphasis which its intrinsic importance demands; he is not forced to subordinate any of them from fear of breaking the thread of continuous narrative, and he can achieve that comprehensiveness which hitherto has not been attempted by any writer dealing with the recent diplomatic history of Europe. For this reason M. Debidour's work will prove invaluable as a book of reference. In no other single volume of small compass is there collected information upon such a wealth of diplomatic topics during the period following the Congress of Berlin.

Besides its comprehensiveness, the book is notable and praiseworthy in the highest degree for its impartial tone and unbiassed judgments. Events are treated from the French point of view, but every page bears

witness to the fact that the author is writing as a scholar rather than as a French patriot. He treats as coldly and judicially of Bismarck and Delcassé as he would of Otto the Great or Clovis; he describes Fashoda and the policy of William II. with an equal detachment. One might have expected that recent events would affect the tone of a French historian, that he would unconsciously display bitterness toward Germany and a certain leniency towards Russia, Italy, and Great Britain. There is nothing of this to be discovered in M. Debidour's treatment. As between Russia and Germany he is strictly impartial; Italian ambitions are frankly criticized. The fact that he is dealing with the policy of a power now closely allied with France, does not prevent him from passing openly hostile judgments upon many of Great Britain's actions. British policy in Egypt draws from him the sarcastic phrase, "Gladstone, despite the principles of morality and liberalism which he had so often advertised, was too good an Englishman to give up possession [of Egypt]". Nor does he mince his words in discussing the aggressive spirit of the British in their dealings with the Boers. German policy is handled coldly and succinctly, and always without animus.

The brevity of the treatment allotted to Germany must, perhaps, be counted as a defect. Germany's policy of tempting Russia Asiawards in the Nineties, in order to strengthen her own diplomatic position in Europe, is indicated. But there is little upon her economic development and aspirations for sea power, and nothing upon the Bagdad Railway or German plans for power and expansion in Turkey and the Middle East. It is possible that M. Debidour purposes to discuss the origins of German world-policy in his next volume; but the omission of this important topic from his present work unquestionably weakens his exposition of the beginnings of the Anglo-French Entente. Another defect results necessarily from the limited space which the author has allowed himself: he is forced to disregard almost entirely the significance of personality in diplomacy. There are brief characterizations of Delcassé and Edward VII., to whom due credit is given for the Entente of 1904, and also of Cecil Rhodes, Nicholas II., and William II. But in general the author leaves the reader in the dark as to the personality of the sovereigns and diplomats; even when he speaks of them by name he is apt to treat them as chessmen on a board.

American readers will also regret the absence of exact references. A useful list of general authorities is given at the beginning of each chapter, but it is only in rare cases that citations are put in the footnotes. Following the unfortunate French custom in works dealing with recent history, there is no index.

CHARLES SEYMOUR.

*Diplomatic Documents relating to the Outbreak of the European War.* Edited with an Introduction by JAMES BROWN SCOTT. In two volumes. [Carnegie Endowment for International Peace,

Division of International Law.] (New York: Oxford University Press. 1916. Pp. lxxxii, 767; xcii, 771-1516.)

*Official Diplomatic Documents relating to the Outbreak of the European War: with Photographic Reproductions of Official Editions of the Documents (Blue, White, Yellow, etc., Books) published by the Governments of Austro-Hungary, Belgium, France, Germany, Great Britain, Russia, and Serbia.* Introduction, Daily Summaries, Cross-References, and Foot-Notes by EDMUND VON MACH, A.B., Ph.D. (New York: The Macmillan Company. 1916. Pp. xxii, 608, appendixes 650 pp.)

THE important causes of the European conflict are not the events of the five weeks just before the beginning of the struggle, but vast forces whose gradual development attracted more and more attention after 1871. The most striking single factor was the prodigious increase of Germany and the resulting difficult process of adjustment in European relations; while the enmity of Slav and Teuton, the rivalry of Germany and England, differences in birth-rate, pressure of population, excessive nationalism, and the mere circumstances of the earth's geography, had much to do in producing the result. While these things will in the end be more considered, and rightly so, yet the immediate causes of so mighty an event cannot fail to be studied with greatest care. This is already possible because the diplomatic intercourse of the last critical days has been largely published by the respective governments in successive books or papers. There is no doubt that the information thus afforded is not complete, but it is evidently the basic source-material for any investigation at present, and it is probable that no large additions will be made to it for some time to come. It has, therefore, been examined and interpreted in several excellent studies, while many of the documents have before now been assembled in collections, the best being the admirable *Collected Diplomatic Documents* published by the British government.

The two publications here examined constitute a distinct advance over anything hitherto accomplished, and one of them, at any rate, that given forth by the Carnegie Endowment for International Peace, should be the standard collection on the subject for some time to come. It is simply an assemblage of sources, brought together in two superb volumes, beautifully printed and well arranged. The work of the editor has scarcely gone beyond obtaining the originals and reproducing faithfully the best English translations. For some of the papers he has made tables of contents, but the documents are printed without annotation. Evidently it is the purpose of this work to furnish the student with the best and most comprehensive collection of the sources, but not to assist him further in the study of them, except that there is a large and excellent index. The documents are printed from the originals, when these are in English, and when in other languages from the official English



translations. This collection is the most complete hitherto published, and contains beside the documents usually assembled the second *Austrian Red Book*, concerning relations with Italy, most of the *Second Belgian Gray Book*, the second *British Blue Book*, relating to the rupture of relations with Turkey, the *Italian Green Book*, and the second *Russian Orange Book*, concerning relations with Turkey.

Dr. von Mach's volume<sup>1</sup> is also, in spite of grave faults, a noteworthy addition to the source-collections for this subject, and it not only possesses striking features as regards arrangement and material included, but in addition it undertakes to supply critical apparatus and commentary in the numerous notes which are added. He realizes, as everyone must who enters upon the study of this material, that it is an intricate task to thread one's way through the maze of the various despatches, where constantly in one there is allusion to another, and where frequently one can best be understood in the light of information contained in another. He has, therefore, printed them somewhat as a chronicle, grouping together in alphabetical arrangement all of the despatches written on a particular day under the date of that day. I believe this to be of considerable assistance, though nothing but prolonged study and exact attention will enable one to surmount the difficulties which inhere in this task. But the most striking feature, and the one which gives to the volume its particular merit, is that the second half of the book is given over to facsimiles by photographic reproduction, of the originals of the various *Books*, and I know of nothing else that affords so conveniently the English translations for easy comparison with the original French of the Belgian, French, Russian, and Servian documents, and the original German of the Austrian and German governments. It should be said that the English translations are throughout the official British version, which the editor declares to be excellent. In respect of contents, it should be noticed that this collection is much less inclusive than that of the Carnegie Endowment, since it contains few documents after the first fateful days in August.

The annotations, which are very numerous, are the unsatisfactory part of the work, and it is probable that the editor's reputation for historical scholarship would have been greater had he omitted them entirely. They make specious attempt at avoidance of partizanship, but scarcely anywhere does he question the motives of Austria or Germany, while constantly the sayings of opposing statesmen are examined with elaborate scrutiny and considerable suspicion. I believe that there are few mistakes in direct statement, but there is throughout a tendency, perhaps involuntary, toward unwarrantable implication, and there is a great deal of inconsequential observation, flimsy reasoning, careless statement, and improper deduction. Perhaps a large amount of labor has been devoted to this comment, and some of what relates to correction of chronology

<sup>1</sup> We understand that the publishers have withdrawn Dr. von Mach's book from publication because of inaccuracies discovered in it.

or the explanation of allusions will be of real assistance, but the remainder is either too obvious to be of much importance, or of such character that it will be rather a hindrance than a help to correct understanding of the documents noticed. These notes are not, what the editor seems to wish them to be, the necessary apparatus explanatory of a reliable source-book, but, either unintentionally or because he could not help it, merely an exposition of the German point of view, expounded more ably and with more moderation and restraint than it has been expounded by most of the partizans who have written in this cause, but possessing nevertheless most of the faults which have debased their presentation.

EDWARD RAYMOND TURNER.

*La Belgique et les Juristes Allemands.* Par CHARLES DE VISSCHER, Professeur à la Faculté de Droit de l'Université de Gand. Préface de M. J. VAN DEN HEUVEL. (Lausanne and Paris: Payot et Cie. 1916. Pp. xix, 134.)

*Belgium's Case: a Juridical Enquiry.* By CH. DE VISSCHER, Professor of Law in the University of Ghent. Translated from the French by E. F. JOURDAIN. (London and New York: Hodder and Stoughton. 1916. Pp. xxiv, 164.)

THIS study is of great value, and is the best on the subject. The author is so fitted for his task that in all places he can speak with authority and decision. He does not debase his science to plead, but having a case to expound, he proceeds through exposition with exact knowledge, wealth of illustration, and calm analysis of theories and statements. What Belgians must regard as an awful crime committed upon their country may have filled his heart with bitterness, but there is no trace of it in the writing; and his erudition and critical judgment are equalled by a calmness and detachment which might pertain to disquisition academic about events of a great while ago. In the end temperateness no less than ability renders most of the conclusions irresistible. The translation, not literally faithful with respect to some details, is nevertheless accurate and good.

The author distinguishes between *Notwehr*, self-defense, and *Notrecht*, right which necessity may induce, characterized by conflict of rights and duties. With this latter many have defended the invasion of Belgium. Josef Kohler says that there is right of necessity where ordinary rules of juridical organization suggest no way of resolving the problem: "*Law must bow before Fact* and side with the conqueror: *factum valet*." The author, however, has no difficulty in showing that Germans made very different statements as to what their need might be. Self-defense against alleged imminent invasion of Belgium by France was advanced along with mere necessity founded on strategic conditions. But no satisfactory proofs were ever given of the first, while the second, he says, has

no proper place in international law, since it strikes across the independence and equality of sovereign states. *Notrecht* might be justified where public common interest conflicts with private individual interest, with law courts to decide; but there is no court as yet allowed to be arbiter for nations. Rather, as in the past, necessity is "the tyrant's plea". Many pages are given to examination of this theory, for of such was the chancellor's plea, made immediately after the violation, and, though afterwards seemingly withdrawn, still the most important explanation of Germany's action.

The remainder of the book examines later justifications attempted by the imperial government, by German juridical writers, and some Americans, apologists and propagandists—that the treaty of neutralization was not binding, that the German Empire had not succeeded to the obligations undertaken by Prussia in 1839, that the treaty was obsolete in accordance with the doctrine *rebus sic stantibus*, that Belgium had herself violated her permanent neutrality. These excuses, proffered when the original exculpation failed to satisfy the opinion of the world, have been disposed of by other writers, but no one has dealt with them all so thoroughly, or so cogently shown the contradictions which they involve, how lamely they have been stated, and how some of them can be made only with data unsatisfactory and incomplete, with careless ignorance or deliberate suppression of many of the facts.

The international significance of the violation of Belgian neutrality, dealt with in a final chapter, is touched by J. Van den Heuvel in an introduction. This writer notes that after Germany had trodden down Belgium in vain effort to avoid the fortified places and strike at the heart of France, eighteen months later she found herself, nevertheless, struggling against an enemy prepared at last by the impregnable ramparts of Verdun.

EDWARD RAYMOND TURNER.

#### BOOKS OF AMERICAN HISTORY

*The Memorial of Fray Alonso de Benavides, 1630.* Translated by MRS. EDWARD E. AYER. Annotated by FREDERICK WEBB HODGE and CHARLES FLETCHER LUMMIS. (Chicago: Privately Printed. 1916. Pp. xiii, 309.)

NEW MEXICO in 1630 was separated from the northern frontier of continuous settlement in New Spain by two hundred leagues of territory uninhabited by Europeans. Somewhere beyond, in the minds of the Spaniards, stretched the long-sought Strait of Anian. To the east lay the kingdoms of Quivira and Aixaos, between which and the English and Dutch settlements on the Atlantic coast a thriving trade was reputed to exist. On all sides, from one to three hundred leagues, extended the country of the Apaches—common enemies of all settled peoples. The colonists themselves were little affected by conditions in the mother-

country, or even in New Spain, five to six years often elapsing between communications from either. Within this New Mexican oasis of Spanish domination an insufficient number of missionaries looked after the spiritual needs of thousands of neophytes; the *encomenderos* collected from each household one *manta* of cotton cloth and one *fanega* of corn annually.

Aside from local conditions, dealt with in pleasing and historically important detail, such, in summary, was the general situation of New Mexico as described by Fray Alonso de Benavides, provincial custodian of the Franciscan missions, later bishop of Goa, in India, in his *Memorial* addressed to the King of Spain in 1630. This semi-romantic, partially exaggerated account, written primarily to induce the king to send more missionaries to New Mexico, must, because of other recommendations therein, be ranked as a state paper of prime importance. The danger from the English and the Dutch and the need for a direct route between Havana and New Mexico were alike real to Benavides; hence the recommendations that Quivira and Aixaos be settled and that a bay on the Gulf coast, known as Espíritu Santo, be occupied. While present-day knowledge of the geographical situation discredits Benavides's fear of the English and Dutch, his knowledge of their general activities "on the side of Florida" cannot be questioned. Time, moreover, justified his fear of foreign aggressors from that direction, and a half-century later, when news came that the French instead of the English and Dutch were threatening New Mexico and the whole northeastern frontier of New Spain, the unheeded recommendation that Espíritu Santo Bay be occupied became a live subject for statesmen at Madrid and Mexico City, and directly influenced the later international relations of France and Spain. Nor had statesmen forgotten Fray Benavides's *Memorial* a century and a half later, recent historical investigation having shown that it was used to promote the occupation of Alta California in 1776 (Chapman, *Founding of Spanish California*, p. 335).

The *Memorial* of Fray Benavides was published at Madrid in the latter part of 1630, and was evidently reprinted shortly afterward. Within four years translations appeared in French, Dutch, Latin, and German. The first complete English translation, also by Mrs. Ayer, was published at Los Angeles in 1900-1901 in serial numbers of *The Land of Sunshine*, a magazine largely local in its interests and circulation. Next to the original the present edition is the most valuable that has appeared in any language. Besides the English translation there is a photographic reproduction of the title-page and of the complete text, page for page, of the original 1630 edition, a rare copy of which is in the famous and rapidly growing Edward E. Ayer Collection at Chicago. The title-pages of the French, Dutch, Latin, and German editions are also reproduced. In the translation Mrs. Ayer has given what is generally regarded as a literal, or, according to Mr. Lummis in the introduction, an "accurate" rendering of the Spanish into English, the object

having been to reproduce as nearly as possible the atmosphere of the original.

An important feature of the book consists of nearly one hundred small-typed pages of annotations, of which Mr. Hodge is the chief contributor. The subjects annotated range from St. Francis of Assisi to government meteorological records of New Mexico and to Pojoaque, one of the least important of the New Mexican pueblos. In these annotations are included the latest and most scholarly conclusions of different investigators, with supplementary bibliographical data thereon. As a result the annotations themselves constitute a storehouse of information, historical, ethnological, and bibliographical. The book is fully illustrated, many of the photographs having been taken by Mr. Lummis. These are in keeping with the general technique of the entire book, which from every standpoint is well-nigh perfect and artistic in every detail.

CHARLES W. HACKETT.

*Documentary History of Yale University under the Original Charter of the Collegiate School of Connecticut, 1701-1745.* Edited by FRANKLIN BOWDITCH DEXTER, Litt.D. (New Haven: Yale University Press. 1916. Pp. xviii, 382.)

*The Beginnings of Yale, 1701-1726.* By EDWIN OVIATT. (*Ibid.* 1916. Pp. xxxi, 456.)

*The Book of the Yale Pageant, 21 October 1916, in Commemoration of the Two Hundredth Anniversary of the Removal of Yale College to New Haven.* Edited by GEORGE HENRY NETTLETON. (*Ibid.* 1916. Pp. x, 243.)

YALE UNIVERSITY is fortunate in the enjoyment of the competent and tireless services of Professor Dexter in the collection, investigation, and publication of the records of its history and of the lives of its graduates. His *Yale Biographies and Annals* has long been recognized as monumental. The present volume is of no less importance, for in it "are included the more important documents, known to be in existence, relating to the history of Yale University, of a date earlier than that of the present charter, of May, 1745". Its value is not limited to the history of Yale University or of collegiate education in America, for the student of the colonial history of Connecticut or of American church history will also find much material of which he will need to take account. The 372 pages of text contain 218 documents, which include the minutes of trustee meetings, the record of all legislative acts, and numerous letters immediately relevant to the corporate history of the institution. Documents 1-19 refer to the founding of "the Collegiate School", 1701-1702; 40-99 relate to the crucial years 1716-1718 in which the transfer from Saybrook to New Haven was effected and the famous benefaction received which caused the adoption of the name Yale College; 127-151 deal with the defection of Rector Cutler to "episcopacy" and the long

interregnum of search for a successor, 1723-1725; 152-196 belong to the administration of Elisha Williams, 1726-1739; and 197-218 are from the early years of President Clap's term, 1740-1745. The documents are drawn from the university archives and from various other sources, printed and manuscript. The editing has apparently been done with minute accuracy; but for the uninitiated, a larger amount of editorial annotation would have been acceptable, including brief biographical notes identifying the various persons named. It is to be hoped that Professor Dexter will continue this *Documentary History* in further volumes.

For those who may find Professor Dexter's work too recondite, Mr. Oviatt has written *The Beginnings of Yale*. While the former volume is for historians and antiquarians who demand the original materials, the latter has been written by the editor of the *Yale Alumni Weekly* for his regular constituency. Mr. Oviatt has successfully addressed the *Weekly* to the graduates of an institution of learning rather than to athletic "fans", and in the present volume has assumed that the history of his alma mater is a normal concern of an intelligent alumnus. He has tried, not without success, to produce a book that the alumnus will not merely purchase but read. The first 152 documents of Professor Dexter's collection are developed into a narrative which takes due account of personalities and of the thought, custom, and material conditions during the first generation of Yale. The author has been diligent to inform himself accurately and is always careful to distinguish from the documented facts, the liberal drafts upon his imagination which he makes for the interpretation of the facts. Only persistent delving in antiquarian lore could enable the writer to depict so faithfully the setting of the events. A meticulous reader will note an occasional error in some statement of trifling relevance as on page 290 where Bolingbroke is mentioned as secretary of state under William and Mary. The least satisfactory portion of the volume is the first 133 pages devoted to the career of John Davenport and the history of New Haven prior to 1700. Possibly it would have been wiser to have told more succinctly New Haven's educational history in the seventeenth century. The volume is delightfully illustrated by Theodore Diedricksen, jr., but occasionally the historical verisimilitude seems a bit dubious.

These two volumes were published in commemoration of the two-hundredth anniversary of the transfer of the college to New Haven. This event was splendidly commemorated by the city and the university in the pageant in the Yale Bowl on October 21 last, for which the Yale University Press also published *The Book of the Yale Pageant*. This attractive volume contains not only the text for the several historical scenes then depicted, but also thirty essays by eminent Yale men on the history of the activities of Yale and Yale graduates in many different lines, such as "Yale in Public Life" by Professor Hiram Bingham.

GEORGE MATTHEW DUTCHER.



*Extracts from the Itineraries and other Miscellanies of Ezra Stiles, D.D., LL.D., 1755-1794, with a Selection from his Correspondence.* Edited under the Authority of the Corporation of Yale University by FRANKLIN BOWDITCH DEXTER, Litt.D. (New Haven: Yale University Press. 1916. Pp. vi, 620.)

ALL who enriched themselves from Stiles's *Literary Diary*, published in 1901, will welcome the addition of these copious memoranda related in large part to Dr. Stiles's journeys and therefore labelled by him "Itineraries". The index shows a wealth of names both of persons and of places and the accomplished editor furnishes identifications of the more obscure with such brief explanations as will save a student much toil.

These miscellaneous notes illustrate afresh the wide-eyed curiosity of Stiles about the world in which he lived and the pains he took to gratify it. It was essentially a scientific curiosity regarding social conditions and social changes and he was not contented with vague general impressions. Where official reports could be had he copied them, but for the most part he sought exact data by personal count or observation or questioning. There is a peculiar pleasure in satisfying a scientific impulse by a chat with friends, and a slight flavor of gossip brightens the facts which in our time are so coldly and severely tabulated by professional statisticians. Modern tables of vital statistics possibly tell a tale no better than the phrase "last small pox", meaning 1752, or the opinion of a Boston pastor that two-thirds of his congregation had smallpox in that year. Doubtless the economic historian can ascertain as Stiles did the valuation of properties in Rhode Island, the number of polls, and the tax levied, but this minister of the standing order takes pains to see what proportion the Episcopalians pay in Newport. Himself a prudent and provident man, he makes count of the "wealthy ministers" of Connecticut and notes that while no minister was more than half supported by salary or people, there were "only 4 really poor and suffering out of say 170 ministers". It is the citizen Stiles, not the clergyman, who copies prices for wheat, flour, bread, beef, beer, iron, tobacco, and records the catch of whales, the growth of mulberry trees, the fluctuations of the price of silver. He who can cope with colonial currency will learn the price of a suit of clothes when wool is bought at a pistareen a pound, when the spinning, weaving, fulling are hired and the wife dyes it blue at home. It is easy to imagine the intelligent dullness of Hingham, Mass., in 1792, when we are told population, employment, wages, school statistics and curriculum, salaries of teachers and clergy, and the complete absence of Dissenters or friction in the church. Dr. Stiles's interest in survivors of the Indian population discovers present respectability after a most immoral past. There are several plans of wigwams and maps of Connecticut towns.

Naturally church affairs take the first place and Stiles had a passion for membership lists, numbers of baptisms, burials, marriages, and the

complication of denominational loyalty with political elections. There is evident concern about the Sandemanian heresy and it is clear that even at the end of the colonial period Congregationalism was still an experiment. In Connecticut it was in unstable equilibrium. The tendency to actual schism on theological grounds, Old Light or New Light, prepares us for the final division of Orthodox and Unitarian engendered in Massachusetts by a man from Connecticut, and the strength of the earlier movement in Connecticut to unite Congregationalists and Presbyterians explains why Jedediah Morse coquetted with this project as soon as he settled in Massachusetts. In 1766 there is actual danger in Connecticut of coalition with Presbyterianism or with Episcopacy (p. 451). The ultra-Calvinism of the New Light party was driving people to the milder haven of Episcopalian churches. Even Charles Chauncy, doughty foe of Episcopacy, writes that New Light divinity is as bad as paganism and that he would rather be an Episcopalian than a Hopkinsian.

Education, too, is a theme, both Yale and Harvard being in view, while the letters which close the volume are of value in connection with the history of Princeton and the University of Pennsylvania. The letters are naturally more interesting than the miscellaneous jottings, especially a letter by Joseph Meigs describing the Bermudas.

FRANCIS A. CHRISTIE.

*The Life of John Marshall.* By ALBERT J. BEVERIDGE. Volumes I. and II. (Boston and New York: Houghton Mifflin Company. 1916. Pp. xxvi, 506; xviii, 620.)

It is a hundred years since John Marshall reached the summit of his career, and for many years he has been accepted as one of the first men of his day. Yet through all this period we have had no adequate account of his deeds or his personality. That part of his life which came before his appointment to the Supreme Bench was chiefly devoted to the practice of law. He served during this period only about four years in prominent station. He took a leading part in the debate on the adoption of the Constitution by the Virginia convention, but lapsed into private life immediately afterwards. He began to attract notice by his defense of the administration in regard to the Jay Treaty and then took position as the leading Federalist in his state. He was sent to France as a commissioner in the X Y Z affair and was elected to Congress in 1798. He made himself disliked by the Essex Junto and their friends in the Federalist party because he opposed the Sedition Law and refused to assail John Adams; but he took a strong position among the moderate Federalists. He was taken into Adams's Cabinet in May, 1800, and was made Chief Justice a month before his superior gave up office. This was a small amount of meat for a biographer.

Small as it is, Mr. Beveridge has made it serve for two large volumes.

The first, with the subtitle *Frontiersman, Soldier, Lawmaker*, takes the story from 1755 to 1788; the second, *Politician, Diplomatist, Statesman*, takes it to Marshall's appointment to the Supreme Court Bench, 1801. It is not possible to secure this large treatment without introducing much matter that is not strictly upon the subject. The author is conscious of the fact, and justifies himself on the ground that he is writing for persons who are not well informed in the history of the times. "To say that Marshall took this or that position with reference to the events and questions of his time, without some explanation of them, means little to anyone except to the historical scholar." And the preface goes on to say that to know Marshall we must know much about the men with whom he came into contact, "His life finally became so interlaced with that of Jefferson", we read, "that a faithful account of the one requires a careful examination of the other." These are good words if not taken too literally. The "reading public", using Mr. Beveridge's own term—and it is for that part of the people that he writes—needs to have things made plain. Probably he has made them so plain that they are diffuse. For example, the discussion of Marshall's part in the adoption of the federal Constitution, naturally brings up the general attitude of the people toward union, and that brings up the difficulties of communication, whereupon Mr. Beveridge introduces a chapter, thirty-eight pages, on Community Isolation. In a similar manner twenty-four pages are given to the army at Valley Forge and only four of them refer to Marshall, then a "captain-lieutenant". On the same principle we may justly expect that in the succeeding volumes *Fletcher v. Peck* will be preceded by a history of the Yazoo Company, which may demand a discussion of society in Georgia, and that *McCulloch v. Maryland* will be introduced by a history of the Bank of the United States, together with a discussion of the functions of a bank in society, which may necessitate another discussion of the functions and history of state banks. All this will be very interesting, and Mr. Beveridge will doubtless do it well, as he has done the discursive chapters in the two volumes before me, but is not all this going far afield for a man who announces his book as a *Life of Marshall*?

Although the book is not for historians, but only for the "reading public", the historians will not disdain to use it. They will find much to commend in the industry with which the published materials have been sought out and used. Although little that is new has been found, we are left with the impression that a careful search has been made. The foot-notes are abundant and very informing. The bibliographies are good, although we must wonder why the *Life of Marshall* by Magruder is not mentioned in either volume. At least one draft of the book has been read by twelve distinguished scholars, including two presidents of the American Historical Association and at least one who is going to be a president, which shows with what care the author has sought to eliminate grounds for criticism. His pages are unusually free

from those small slips which mar many otherwise good books; but the name of Stevens Thomson Mason, stumbling-block to many a printer, appears as "Stephen H. Mason" in one place (II. 115), as "Stephen Thompson Mason" in another (II. 151, note 2), and as "Stephen T. Mason" in the index. Many a good author has had trouble with this unusual name.

Probably the best parts of the book are those which deal with the debate in the Virginia convention for the adoption of the Constitution of the United States and those that refer to the X Y Z affair. The contest over adoption is presented by a man who knows how forensic battles are fought and who has a remarkable power of visualization. The reader is shown the strategy on each side. It is a fine feature of the story that Marshall is not the dominating personage on the Federalist side: he is only one of several great debaters taking his place in a procedure which more astute persons are directing. In the four chapters on the mission to France, 160 pages, we have the clearest and most satisfactory story that has been told of that interesting incident. I do not think, however, that the author has been equally successful in discussing the events which followed, and this is particularly true in regard to the rivalry which then sprang up between John Adams and the extreme Federalists, leading to the disruption of the Cabinet and the conclusion of a new treaty with France. Mr. Beveridge does not escape from the ancient Federalist leaning, though he evidently tries to escape. He speaks of the resistance of American ships against the outrages of the French navy as a war against France, an inaccuracy into which enthusiasm for our fighting ability has led many other writers.

Probably his best service is that he has given us a picture of a very human man. It is pleasant to know that Marshall was jovial and witty, that he laughed at the complaints of his fellow-sufferers at Valley Forge, that he excelled them in sports and equalled them in bravery, that in spite of his slovenly appearance he was the delight of women and of men, and that in any assembly of politicians he won more votes by his jovial personal manner than others won by their arguments. Even when he was fighting to the utmost to circumvent Patrick Henry in the debate on adoption of the Constitution, the two men were on the best terms personally. In fact, the older man loved the younger so greatly that when Marshall was running for Congress in 1798 and was in imminent danger of defeat, Henry came to his rescue in an earnest letter which probably turned the scales in the election. The chief justice who could win and hold friends in this way was likely to dominate any bench over which he presided.

Excellent use is made of account-books kept by Marshall in his early life. The entries bear witness to his simple living and his adjustment to the life around him. He was not unlike other young Virginians of his day. Although connected with the leaders in government, he was poor, and his income from his profession the first year of his practice was

£9 9s. from four fees. His purse received added substance from his salary as member of assembly, a position he secured through the influence of his father. The account-books tell us that he purchased all sorts of things: wine, rum, a teapot, "edging", "2 pieces of bobbin", as well as sugar, stockings, corn, and candlesticks. Here we read, also, that he lost and won money at cards, in social games, no doubt. Now it was "whist 30/", and "poker 6/", again it was "backgammon 6£", and still again, "Col. Monroe and self at the play 1-10". At nearly one and the same time he paid his dues to the parson, his subscription to the races, and his share in the expenses of the ball.

Dramatic power is one of Mr. Beveridge's strong qualities and it is well displayed in this book. He has known how to make the reader see and remember the kind of man he has in mind. He is not free from some of the evils of the striking writer. He strives for effects, probably without realizing it; and he frequently heightens the light to strengthen his picture. He is not a balanced thinker, and he shows little appreciation for understatement, the finest flower of scientific history. He does not see the other side of Jeffersonian republicanism. He characterizes the discontent for which Shays spoke as "the mobs erupting from this crater of anarchy now located in New England" (I. 299), and he does not seem to realize the yearning of the small farmers of the Middle and Southern States for their part in government that underlay the organization of the Republican party. Either love of effects or indifference to good usage leads him to employ many inept phrases. We read, for example, that a certain date "is jammed in" (I. 179), that "Pinckney rode Gerry hard" (II. 328), that Bushrod Washington "had no more political acumen than a turtle" (II. 413), that "the President grasped by the forelock this possibility for peace" (II. 423). Even "the reading public" has a right to expect that the historian shall do his part in preserving the dignity and chasteness of the language we use. Nor can I think of any line of reasoning by which the expression "bi-yearly" (I. 200) is justified. If it springs from hostility to the classics, why not demolish the prefix also? Mr. Beveridge can dominate the reader without employing such phrases.

JOHN SPENCER BASSETT.

*With Americans of Past and Present Days.* By J. J. JUSSERAND.  
(New York: Charles Scribner's Sons. 1916. Pp. ix, 350.)

THE author of this book is an accomplished diplomat and scholar, and truly a representative of the French to the Americans. His sympathy with our history and especially with the alliance between France and the United States which won the Revolution has found expression in a book which must increase the friendly feeling between the two nations. For thirteen years, as he tells us in his preface, he has been the French ambassador at Washington, a longer service than any of his predecessors had, and during that time he has delivered several

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addresses to American audiences which he has gathered together and now publishes.

Upon reading the book the first thought is, Why cannot Americans write as Mr. Jusserand has written? The sparkle and gracefulness of style are not shallowness and the play of humor is not flippancy. On the contrary, there is philosophy in the book and the serious purpose of the author is never lost sight of. Yet the narrative flows easily and the attention is pleasantly stimulated. You read with enjoyment and you remember what you have read. It is a pity that as much can be said of so few of our own writers of history.

The longest of the papers is that on "Rochambeau and the French in America", the chief basis for which is the unpublished Rochambeau papers and the transcript of Von Clausen's diary in the Library of Congress. To these American sources Mr. Jusserand has added his own familiarity with the careers of the French officers in France before and after the American war. Rochambeau died in his castle of Rochambeau in 1807 when he was eighty-two years old, luckier than many of his companions in the American war, for Lauzun, Custine, d'Estaing, Broglie, Dillon, and others perished under the guillotine.

Mr. Jusserand describes with good humor the prejudice which existed in America against the French and shows how it was overcome by the tact of the French officers and the good behavior of the French troops. The argument which runs through the essay is that the alliance was a disinterested act on the part of France inspired by enthusiasm for liberty and not by hatred for England. The quotations to this point are skillful and by themselves would establish it.

An example of the American prejudice against the French was General Washington himself, as Mr. Jusserand shows in his paper on "Washington and the French". When Washington heard of Lafayette's arrival he wondered what he should do with the Frenchman; but he admitted him and several other Frenchmen into his most affectionate regard, after he came to know them. The French estimate of Washington is brought out by Mr. Jusserand and especially what was said of him in that French epic poem on America by L. de Chavannes de La Grandière which preceded Joel Barlow's *Columbiad* by three years.

The essay "Major L'Enfant in the Federal City" throws much new light on L'Enfant himself and is the best presentation that has thus far been made of a subject on which a great deal has been written. Mr. Jusserand freely admits the contentious nature of L'Enfant, but insists upon his genius and the debt owed him for his plans of the National Capital.

The essay on "Abraham Lincoln" shows the French contemporaneous view of Lincoln and the sentiment for the Union cause which existed in France during our Civil War.

"The Franklin Medal", "Horace Howard Furness", and "From



War to Peace", which complete the volume, hardly belong in the category of history, but are none the less agreeable reading.

GAILLARD HUNT.

*The Mississippi Valley in British Politics: a Study of the Trade, Land Speculation, and Experiments in Imperialism culminating in the American Revolution.* By CLARENCE WALWORTH ALVORD. In two volumes. (Cleveland: The Arthur H. Clark Company. 1916. Pp. 358; 396.)

HISTORIANS have, for some time past, pretty well understood certain phases of British policy in dealing with the territory acquired from France by the Peace of Paris. Professor Alvord has himself published a study of the Proclamation of 1763. It is a commonplace that troops were retained in America to defend the new possessions, and that the Stamp Act was intended to raise money to pay for the troops. Some of the many projects for western colonies have been more or less carefully investigated; and twenty years ago Professor Coffin gave us an excellent history of the Quebec Act of 1774. But hitherto no one has attempted a comprehensive study of the many problems involved in the possession of the western territory, or of the British policy of dealing with these problems, during the whole period from the Peace of Paris to the opening of the Revolution. To this task Professor Alvord, as his friends very well know, has given many years of unwearied and enthusiastic research; and the two substantial volumes which embody the results of his labor constitute an important contribution to the literature of the American Revolution.

The book is not one of those which, being made by rule, might have been made by any intelligent and well-trained historical researcher. "Clarence W. Alvord, his Book"—this, if it were inscribed on the title-page, would not be a misnomer. "A glance at the 'Bibliography'", the author says, "will prove that the attempt has conscientiously been made" to master an immense mass of material. I have glanced at the bibliography without being convinced of anything except that a very comprehensive list of titles had been got together and printed, with intelligent comments by the compiler. But I have read the book carefully (not an altogether superfluous statement for a reviewer to make, I dare say), and with great interest, and this it was that convinced me that the author had not only made an attempt to master his material, but that he had very well succeeded, which is quite a different thing. He has so far mastered his material that he seems to know the events and the people he describes, and not simply to know about them. For example, he says that Hillsborough, in forming his interpretation of the Proclamation, "was influenced by its consequences rather than by its antecedents. Of the genesis and original purposes of its provisions he was and remained ignorant, obstinately so." This, particularly the casually

thrown in "obstinately so", has the flavor of a contemporary judgment of Hillsborough by some one who had worked with him. And in general, by virtue of having lived long and intimately with his subject, of having at every step asked hard questions of his documents, of having impertinently dogged the steps of his aristocratic acquaintances until he knows them even if they refuse to recognize him, Professor Alvord has really assimilated his material, has as it were made the subject a kind of personal possession. The narrative accordingly has the breath of life in it; it seems to flow from the author's mind rather than to be a mere rescript of his notes. Decidedly, this is Professor Alvord's book, and a mighty good one it is.

The merit of the book does not consist in having achieved what might be called structural perfection. For this, the subject itself is partly responsible; being, as the author says, "double headed", it is not easily moulded into an artistic whole. Besides, Professor Alvord has not, I dare say, what some people would call the synthetic mind. He is so full of his subject that facts and ideas come crowding in, of their own accord as one may say, getting in each other's way at times, so that in the reader's mind at least the main drift and trend of the story is a little obscured by the very fullness of the narrative. Nevertheless it is this fullness that makes the book so interesting, and that gives it its chief value. Professor Alvord is at his best in dealing with the particular episode, in unravelling some tangled thread of personal intrigue or of factional politics, or in tracing the complicated and troubled fortunes of such an enterprise, for example, as that of the Vandalia Company. And therefore, if in the end one is not very clear what the British policy in dealing with the West really was, one has at least a lively sense of the conflicting interests which made the problem of the West a difficult one, as well as of the sort of influences which were bound to have a great part in determining British policy, whether in the West or elsewhere.

But if one finishes the book with no clear idea of what the British policy was, the real reason after all is that there was nothing which one can call a British policy; there was only a consistent vacillation between unworkable combinations of inconsistent policies. The Grenville ministry began with a policy of expansion under strict imperial control; control of the Indians, of Indian trade, of land grants, and of settlement. This policy depended upon an American revenue which was not forthcoming; and when the Stamp Act was repealed the Rockingham Whigs seemed to be, and Townshend clearly was, in favor of renouncing this policy; in favor, that is, of recalling the troops from the West, of abolishing the Indian Department, and of confining settlers to the region east of the Alleghanies. But Shelburne, as secretary for the Southern Department, got the ministry to agree to his own plan, which was different from either the Grenville or the Townshend plan. Shelburne favored expansion, but not under strict imperial control; he proposed to withdraw the major part of the troops and to abolish the Indian Depart-

ment, but instead of reserving the West to the Indians he wished to establish two new colonies there and let the Indians get on as best they could. Shelburne's plan, so carefully worked out, and almost adopted, was nevertheless "still-born"; for when the Bedford faction entered the Chatham ministry Hillsborough was made colonial secretary, and the plan which was really adopted was nobody's plan, but a combination of all plans, a kind of broad-bottomed plan, the effect of which was to abandon the West and the Indians to the tender mercies of the Americans. The result was "chaos"; and when, in 1773-1774, the ministry once more changed its policy, it completed the circle by attempting, in the Quebec Act, to "throw the protection of the imperial power over at least a part of the Mississippi Valley". With all these plans the author has dealt very fully, seeking for their origin and describing their fate "within the kaleidoscopic changes of ministries and underneath the hot strife of factions". It was indeed not a British policy, but "British muddling in the West", that failed in the end.

What was the connection between "British muddling in the West" and the Revolution? Professor Alvord often implies that the connection was important; but I confess not to have understood very well what he thinks the precise nature of that connection was. "I have a vision", he says in the preface, "of some future critic chuckling over my rashness in writing a drama of the pre-revolutionary era with several well known Hamlets omitted". But at the end of the second volume he says:

Thus there culminated at the same time two series of events, one eastern and one western, which had for years run parallel, so closely interwoven that any attempt to understand the one without a knowledge of the other must inevitably fail. If historians would interpret rightly the causes of the American Revolution and the birth of the new nation, they must not let their vision be circumscribed by the sequence of events in the East.

To this I agree; but then I don't see where the rashness comes in. If, however, Professor Alvord wishes us to understand that of the two parallel series of events the western series is the central and all-important one, and that this pre-revolutionary drama is alone a sufficient prelude to the Revolution, why then he is indeed most rash. For certainly anyone who, knowing only that war broke out between Britain and her colonies in 1775, should read Professor Alvord's book to find out the causes of the war, would still be absolutely at a loss to understand why there should have been any war.

I take it that Professor Alvord's rashness is mainly confined to the preface, a firecracker which he has thrown out to disturb conventional people. Later on he says that the revenue measures shifted the burden of discussion

from the comprehensive program to these particular phases of it. Upon an incident of the colonial policy there was formed a battle line and by

the smoke of the engagement the original purposes of the ministry were so obscured that only occasionally did a later minister catch a clear view of what the real issue *should have been*.<sup>1</sup>

The sense of this seems to be that if ministers had been wise and patriots not perverse there would have been no revolution. Agreed. But the fact is that ministers were not wise and patriots were perverse, and the question of taxation appeared so momentous that, as Professor Alvord says in another place, "the critical situation of the West was often totally obscured". That, in any question of the pre-revolutionary drama, is to put the problem of the West, whatever its academic importance may have been, precisely in its proper place historically; while it had a bearing, and at times an important bearing, upon the conflict over taxation and legislative independence, it was in fact largely obscured by this conflict, and must for that very reason occupy, in any explanation of the causes of the Revolution, a strictly subordinate place. That place, however, cannot henceforth be denied it, thanks to Professor Alvord's book. But I wish Professor Alvord would explain why the writing of a good book is likely to be regarded, even in this conventional world, as a rash act.

CARL BECKER.

*David Thompson's Narrative of his Explorations in Western America, 1784-1812.* Edited by J. B. TYRRELL. [Publications of the Champlain Society, vol. XII.] (Toronto: The Society. 1916. Pp. xcvi, 582.)

THIS beautiful and well-appointed volume is designed to give to the public, in permanent and creditable form, David Thompson's narrative of his own travels and explorations in the Canadian Northwest and in the old Oregon Territory. It embraces only the period of his active service with the Hudson's Bay and Northwest Fur companies, and terminates at about the year 1813, or almost exactly midway of Thompson's career.

The value of the *Narrative* as historic authority is of course quite different from that of the *Journals* which have been separately published. The *Journals* are definite records, set down at the time of the events to which they relate, and thus constitute fixed and unalterable data. To such data must always be assigned the highest historic value. The *Narrative*, on the other hand, was written late in life (the author was between seventy and eighty) and deals with recollections of men and events of a period which closed more than thirty years before. Naturally such reminiscences are liable to inaccuracies of memory and to a new coloring as seen through the misty, and often painful, light of advanced age. But Thompson seems to have kept himself free, to a remarkable extent, of these dangers. His note-books were always at

<sup>1</sup> I. 228. Italics mine.

hand for the verification of facts, and there seems to have been complete freedom of anything which might savor of complaint or prejudice in his review of the past. The *Narrative* is thus a most useful supplement to the *Journals*, for it fills in the bald record of daily events and the interminable grind of scientific observations with touches of human interest in which the *Journals* are largely deficient.

Thompson's literary style is very defective from an artistic point of view, though it has generally the quality of clearness. The chief value of the *Narrative* will doubtless be in its descriptions of the country, the native inhabitants, and the fauna and flora, the varied phenomena as witnessed in the hard life of the trader, and the accounts of incredible hardships of a type of existence which is now a thing of the past. It is a never-ceasing wonder, in reading these accounts, how human beings could have survived such experiences. In these intimate pictures of an extinct order of things will be found, we believe, the real interest of the *Narrative* to posterity.

The voluminous descriptions of plant and animal life will always have a certain scientific value, and the lengthy (and almost intolerable) accounts of interviews with native tribes will be useful to the ethnologist. But for the most part such data have been supplanted by the more exhaustive researches of later times. It is a melancholy feature of a career like that of Thompson that it dealt with a very ephemeral order of things. The rapid progress of settlement has overswept and engulfed it. It served a very great purpose in its day; it was one of the most remarkable scientific accomplishments in the field of geographical knowledge that history records; and it entitles its author to everlasting recognition. But the work itself pertained to his day and generation and is now largely superseded by the better work which the wealth and leisure of later times have made possible.

We think that the editor is unduly pessimistic concerning the alleged neglect of recognition of Thompson's work by his contemporaries and by posterity. On the contrary, Thompson has always stood out as one of the great characters in northwest history—trader, explorer, astronomer, geographer, and man of profound religious convictions—and wherever we come across his name in the literature of the Northwest, it is with expressions of the highest respect. He was appreciated in his time; he is appreciated still. The suggestion for a suitable monument is excellent; but the best monument of all, in our opinion, will be the book here under consideration.

And this brings us to a specific survey of the book itself. We may say at once that it is altogether a splendid work, showing a true conception of what such a work should be, and gotten out with a painstaking care which is beyond praise. It is in one volume—a rather bulky book of nearly seven hundred pages all told. It is bound in attractive red, and is throughout a creditable piece of bookwork. There is a brief preface setting forth the circumstances leading to the publication and

giving credit for assistance. This is followed by an introduction which summarizes in excellent form the salient features of Thompson's career and will be found very useful to many who cannot find time to pore through the *Narrative* itself. Next comes a condensed itinerary giving the comings and goings of Thompson during his active career as a trader. All this preliminary matter—ninety-eight pages—is by the editor of the book. Then follows the *Narrative* itself—560 pages—which comprises the bulk of the book. A brief bibliography of authorities follows, and the body of the work closes with a careful index prepared by W. S. Wallace, one of the editors of the Champlain Society publications. An account of the society, sponsors for and publishers of the work, together with a list of membership, is the closing feature of the book.

The foot-notes are throughout an important and valuable feature. The editor has wisely avoided the fault of overloading the text with notes and still there seem to be all that are really necessary. They are generally quite brief, always clear and concise, and are truly elucidative of the subject. Besides the editor's notes there are others by several collaborators, among whom we may particularly mention Mr. T. C. Elliott of Walla Walla, who has made himself an authority upon the exploration of the Northwest.

The illustrations consist for the most part of modern photographs of localities which figure prominently in the *Narrative*. They are all beautifully reproduced. In the back of the book there is a reproduction of three of Thompson's sketches of different sections of the mountain ranges. It is impossible to assign any particular value to these sketches and there seems to have been no useful reason for reproducing them.

In the introduction there is a section of a map of the world at the time of Cook's third voyage (1784). The purpose of its insertion is to show the state of geographical knowledge of North America at the time when Thompson began his labors.

In a pocket in the back cover of the volume will be found the map (in four sections) of Northwestern America prepared by Thompson for the Northwest Company soon after the completion of his explorations in 1812. It was a work of great value in its time and for two generations afterward. It was of immense use to the traders in enabling them to distribute their trading houses more intelligently than could be done by the ordinary guess work of the voyageur. The maps also served as a basis of all similar work almost to our own day.

Of the book as a whole the writer has only one criticism of importance to offer. It would have been of great assistance to readers if there could have been an additional map of the country embraced in Thompson's explorations on a scale small enough to have required only a single sheet. Upon this map there should have been shown, in as little detail as possible, the salient features of modern geography, including the trunk railway lines, the boundaries of states and provinces, the more important towns, and modern names. Superimposed upon this in dif-



ferent color there should have been the routes of Thompson's travels with the years noted thereon, and the trading posts which existed in the country at any time during the period covering these travels.

No one can realize, until he has tried the experiment, how great a help such an arrangement is. Thompson's map, remarkable as it is, is very obscure. The lettering is put in in a peculiar way which causes more or less confusion and requires careful scrutiny properly to identify locations. It needs the aid of an interpreter, so to speak, and there could be no other interpreter so effectual as a key-map such as is here suggested. It would be a splendid thing, even now, if the Champlain Society, which has made such a monument of this book, could perfect it by preparing such a map and sending a copy to each possessor of the *Narrative*, for insertion in the pocket with Thompson's map.

H. M. CHITTENDEN.

*A History of the Presidency from 1788 to 1916.* By EDWARD STANWOOD, Litt.D. In two volumes. (Boston and New York: Houghton Mifflin Company. 1916. Pp. vi, 586, 396.)

THIS work, at least in part, has been known to a generation of readers. It was first published in 1884 as *A History of Presidential Elections*. Slightly amplified in a second (1888), a third (1892), and a fourth (1896) edition designed to meet the quadrennial interest aroused by successive presidential elections, it reappeared in 1898 under a new and very much more comprehensive title, *A History of the Presidency from 1788 to 1897*. Not differing essentially from the earlier work, the volume of 1898 revealed some degree of reconsideration especially in the opening chapters and, by way of enlargement, contained two new chapters, the Convention System (XIV.) and the Free Silver Campaign (XXXI.). Twice since then, in 1912 and 1916, it has been issued as volume I., with, however, no marked alterations except, for example, the insertion (p. 273) of a short final paragraph to the first Republican platform of 1856. Volume II. was first printed in 1912 and brought the story with comparatively greater elaboration down to the opening of President Taft's administration in March, 1909. This volume now appears in a second edition. It includes a single new chapter, the Republican Schism (1909-1913), together with an appendix giving names of candidates, dates and places of conventions, and the party platforms associated with the recent presidential canvass of 1916. But beyond a passing reference to the Underwood tariff and to a few other matters of small consequence, there is no consideration of the accomplishments of President Wilson's first term.

To anyone who will read the first volume of this latest reprint in the light of the original edition of 1884, it will be clear that the work has never been thoroughly revised or corrected in the light of recent scholarship. In the second volume the author writes with greater freedom and

has made rather careful use of the presidential messages. But throughout the entire work, the lights and shadows of the presidential office are well-nigh lost in the disproportionate space devoted to party platforms and to the discussion of legislation. Much of the comment has very little bearing upon the presidency. The concluding chapter, the Evolution of the Presidency, affords a summary in some respects admirable; but it is based upon no extensive knowledge of the sources nor upon contributions to the theme by younger scholars. As a whole the book is a useful manual on the statistics of presidential elections with more or less enlightening comment on party legislation. Mr. Stanwood has given particular care to the disputed election of 1876 (I. 356-393). It is likely to stand as an accurate, brief, and very useful account. The title adopted in 1898 remains a misnomer, for the work is not a history of the presidency.

The following points may serve to illustrate the sort of revision that a future edition calls for. No account is taken (I. 2) of the Pinckney draft of May 29, 1787, as it is to-day understood. Vice-President Adams took the oath of office (p. 30) on June 3, 1789. The official record of Vice-President Clinton's oath, presumably taken in 1809 (p. 96), has never been discovered. See *New York Nation*, March 1, 1917 (p. 249). Monroe was first commissioned Secretary of State (p. 98) on April 2, 1811. The caucus which nominated John Langdon to the vice-presidency was held on May 18, 1812 (p. 99). The first convention approaching in organization our present nominating conventions (p. 101) was held in 1808 (*American Historical Review*, XVII. 744 ff.). There is no ground to-day for believing that Plumer's vote for J. Q. Adams in 1820 (p. 118) had anything to do with his "jealousy of Washington's record of unanimous election" (*Amer. Hist. Rev.*, January, 1916, XXI. 318). General Jackson was formally nominated in July, 1822, not in "May or June, 1823" (p. 127). See *National Intelligencer*, August 16, 1822. William Wirt (p. 156) sent a letter to the Anti-Mason Convention gathered in Baltimore in September, 1831—he neither entered the convention nor "delivered" an address (*Niles' Register*, October 1, 1831). The name Whig (p. 179) can be found in public prints at least as early as 1832. The Tennessee legislature formally presented the name of Hugh L. White as successor to Jackson (pp. 180-181) in October, 1835. A convention of Liberty men met at Warsaw, N. Y. (p. 202) on November 13, 1839. Thomas Earle of Pennsylvania was not named for Vice-President until the meeting of the convention at Albany on April 1, 1840. Clay's "Raleigh" letter and another from Van Buren (p. 210) were both published in Washington on the same day, April 27, 1844. Wright's declination of the vice-presidency in 1844 (p. 214) was preceded by John Langdon's declination of the same office on May 28, 1812 (*National Intelligencer*, June 11, 1812). The Whig convention, meeting in Baltimore in May, 1844, chose as temporary chairman Arthur Francis Hopkins of Alabama (p. 220). In October,

1848, the Liberty party met in convention at Buffalo, N. Y. (p. 232). Would it not be fair to recall to the reader that Douglas got his doctrine of popular sovereignty (p. 258) from Lewis Cass? The Ostend Manifesto (p. 261) was disavowed by Secretary Marcy. To say (p. 271) that the selection of Frémont by the first Republican convention was due "in no small degree to the fact that he had already been nominated by the seceding Know-Nothings" is to ignore factors of far greater importance. The joint resolution referred to (p. 309) was not passed by both Houses until February, 1865. The twenty-second joint rule of February 6, 1865, was in force for eleven, not "sixteen", years (H. R. *Journal*, 44 Cong., 1 sess., Appendix, p. 1542). It is inaccurate (p. 333) to say that "the legislation of the Forty-first Congress was accomplished with every State in the Union fully represented". Was Secretary Belknap "more sinned against than sinning" (p. 357)? "Nobody", says Mr. Rhodes (*History*, VII. 191), "had any doubt as to Belknap's guilt. His disgrace was complete." Joseph B. Foraker, not "Lucius Fairchild" (p. 432), was one of three nominees for the vice-presidency voted on by the Republican convention of 1884. Three references (pp. 450-451) to the act of succession of "1791" should read 1792. The succession law of 1886, drawn up by G. F. Hoar, was approved on January 19. "John" (p. 508) should read H. Clay Bascom. There are various inaccuracies in the statistics to be found on pages 285, 289, 325, 379, 409, 440, and 538. The Dingley tariff bill was approved (II. 7) on July 24, 1897. The word "eighteenth" (p. 9) should read nineteenth. "June 7" (p. 23) should read July 7. President Wilson (p. 304) took the oath of office in March, 1913, directly east of the dome of the Capitol, not "to the east front of the Senate wing". The first casting vote of July 18, 1789 (p. 311) was the result of a tie, 9 to 9. The whole section devoted to a consideration of the President's power of removal (pp. 307 ff.) could be more significantly based on such statistics as were compiled by Dr. C. R. Fish in 1899 (*Amer. Hist. Assoc., Report*, I. 67-86).

HENRY BARRETT LEARNED.

*Francis Asbury: the Prophet of the Long Road.* By EZRA SQUIER TIPPLE. (New York and Cincinnati: The Methodist Book Concern. 1916. Pp. 333.)

DURING 1916 the various Methodist bodies throughout the United States, celebrated the one-hundredth anniversary of the death of Francis Asbury, the first bishop of the Methodist Episcopal Church in America. The most ambitious volume called forth by this celebration, is the one now under review, by President E. S. Tipple of Drew Theological Seminary, who has long been a student of the life and work of the pioneer bishop of Methodism. A number of lives of Asbury have previously been written; the first by Strickland in 1858; another by Rev. E. L. Janes in 1872; a third by Briggs in 1879, while in recent years two other brief

biographies have appeared. There have been three editions of Asbury's *Journal*. The first began to appear during Asbury's life, though it was not completed until 1821; the second edition was published in three volumes in 1854, while a last, abbreviated edition was issued some fifteen years ago, edited by President Tipple under the title, *The Heart of Asbury's Journal*. In preparing the present volume, President Tipple has drawn extensively upon his intimate knowledge of Asbury's *Journal*, and he has also made good use of unpublished manuscript sources in the library of Drew Theological Seminary, known as the "Emory Collection".

The author says, in his introductory chapter, "this book is not so much a biography as it is an estimate of the man", and as a matter of fact the book is a collection of more or less connected essays, which however succeed in giving a clear-cut, interesting picture of this bishop of the wilderness. Asbury is very evidently the author's hero, yet one finishes the book with a distinct feeling that the bishop deserves about all of the author's eulogies.

The chapters dealing with Asbury's relation to the American Revolution, and the one entitled the Long Road, are particularly interesting, especially to the student of history. When the American Revolution began, all the English Methodist missionaries returned to England, except Asbury, who states in his *Journal*, "I can by no means agree to leave such a field for gathering souls to Christ as we have here in America" (p. 126). But although he remained, Asbury refused to identify himself with the patriot cause, but rather kept aloof, and was suspected of being a Tory, as indeed were all the Methodists, during the whole of the Revolutionary period, this suspicion being largely due to Mr. Wesley's staunch support of the policies of Lord North and George III.

Immediately after the Revolution, Mr. Wesley made provision for the separation of the Methodist societies in America into a church, independent of the English societies, and Asbury was designated by him to be the general superintendent in America, though he refused to take that office until he had been elected by the preachers. From the time of Asbury's election, at the Christmas conference in 1784, until the day of his death, he was continuously on the road. "His home was on the road. . . . He had no other. When he came to America he rented no house, he hired no lodgings . . . but simply set out upon the long road, and was still travelling forty-five years later when Death finally caught up with him" (p. 159). He visited every nook and corner of the United States, not once but many times. "He went into New York state more than fifty times; New Jersey over sixty; Pennsylvania seventy-eight; Maryland eighty; North Carolina sixty-three; South Carolina forty-six; Virginia eighty-four; Tennessee and Georgia each twenty" (p. 162). He crossed the Alleghanies eighteen times, and everywhere he stopped in the homes of the people. In crossing the mountains in 1803 he speaks of seeing "men, women and children, almost naked, paddling

bare-foot and bare-legged along", making their way over the mountains, into the new states (p. 167). He travelled six thousand miles a year, and kept a journal.

Chapters IX. and X. give an admirable summary of the frontier type of Methodist preaching, while chapter XI. is an estimate of Asbury as a superintendent. Like his great spiritual father, Wesley, Asbury was primarily an organizer; "He had a face like flint against disorder and irregularity", and it was through his tact and strict adherence to regularity, and his skill as an ecclesiastic, that the Methodist Church was spared any serious schism during its early years.

W. W. SWEET.

*Jeffersonian Democracy in New England.* By WILLIAM A. ROBINSON, Ph.D., Assistant Professor of Political Science in Washington University. (New Haven: Yale University Press; London: Humphrey Milford, Oxford University Press. 1916. Pp. vi, 190.)

DR. ROBINSON has found a new subject, and handled it exceedingly well. The history of New England between 1790 and 1815 has, quite naturally, been written largely from a Federalist viewpoint. Federalism there was more than a party, bound up as it was with the dominant church, interests, personalities, and press, well rooted in the structure of New England society. Yet the section was never politically "solid". As soon as the personal factions of the eighties died down, Jeffersonian Democracy arose to dispute the supremacy of the "wise and good and rich". Dr. Robinson has carefully traced this development, keenly analyzed the party basis and structure, and given the party of Jefferson its due place in New England history. His principal materials were contemporary newspapers and pamphlets. He was hampered by lack of printed and manuscript party correspondence, the great abundance of which on the Federalist side so enlivens the annals of that party. The diaries of William Bentley and Nathaniel Ames partially fill this gap.

In 1792 New England was practically a unit behind Washington and Hamilton. The Republican party arose from within, through various groups separating from dominant Federalism partly on local issues, partly on foreign policy, and finding their natural place under the Jeffersonian standard. In New Hampshire, for instance, Republicanism began when the Langdon family connection was refused a bank charter. Even Connecticut, the most completely Federalized state in the Union, had to admit the thin end of a Jeffersonian wedge before 1800.

The most informing chapters in this monograph of consistent excellence are those on the Party Basis, and Religious Liberty. Outside the Maine district of Massachusetts, where the landlord-and-tenant relations between the settlers and leading Boston Federalists were the basis of opposition, the rise of Republicanism in New England cannot be ex-

plained by the favorite formulae of sectionalism and economic interest. Dr. Robinson's maps show that the Connecticut River, in general, watered Federalist territory. But the conservative belt includes most of the hill country on either side (except in Vermont), while some of the most fertile parts of the valley itself were Democratic. Of the mercantile centres, Portsmouth was Democratic, and Salem evenly divided. Old Middlesex County, near Boston, was more staunchly Democratic than any interior or frontier county in New England, while Washington, the newest county, in Maine, remained faithful to Federalism. In general, the Yankee Democracy seems to have been a dissenting and lower-class movement, deriving its earliest strength from Baptists, Methodists, and those whom the Federalists were pleased to term the "dregs of society". The principal local issue of the opposition was that of religious liberty: the destruction of Congregational privilege. A Baptist town was usually a Democratic town. John Leland, Baptist minister of Cheshire, Mass., promoter of the famous mammoth cheese, was a pamphleteer for religious liberty, democracy, and an elective judiciary.

After 1800 Republicanism increased rapidly. Otherwise-minded Rhode Island went Democratic in 1801, for which the Boston *Centinel* called her a "wart on the body of New England". But Vermont quickly followed, and by 1807 the despised Jacobins had captured New Hampshire and Massachusetts. Then came reaction. Jefferson's embargo gave the Federalists a new lease of life, the ground so hardly won was gradually lost, and the function of Jeffersonian Democracy in New England became that of a nationalist check to the separatist tendencies of Federalism. During the war, its vote never fell below forty per cent. of the total cast in the three northern states. As Dr. Robinson concludes, this well-organized minority, "preaching loyalty and nationalism throughout the fourteen years when the opposing party was steadily tending in the opposite direction, was an important factor in the national life".

S. E. MORISON.

*Andrew Johnson, Military Governor of Tennessee.* By CLIFTON R. HALL, Ph.D., Assistant Professor in History and Politics in Princeton University. (Princeton: Princeton University Press. 1916. Pp. 234.)

PROFESSOR HALL's book shows the author to be a somewhat daring person. He deliberately chooses to write on a narrow subject that has already received pretty full treatment in Fertig's monograph on *The Secession and Reconstruction of Tennessee*; and he deliberately chooses to make his theme the "personality" of a politician when we all know that personality as an element of history has no longer any significance except so far as it can be discerned in a man's bank account, investments, and other paraphernalia of the fashionable economic interpretation. Professor Hall does not tell us anything of consequence about Andrew



Johnson's private finances; yet the judicious reader will undoubtedly find much that is well worth while in the book despite this omission. Nor is the duplication of Fertig's study a valid basis for an indictment of the volume; for, as Professor Hall explains, the Johnson Papers have become available since Fertig wrote, and further, as Professor Hall with proper modesty refrains from explaining, there are sundry other quite obvious reasons why the earlier work should not be regarded as the last word on the subject.

It can be said at once with emphasis that the purpose with which Professor Hall wrote his book has been achieved. He has given us a clear, straightforward, agreeably formulated tale of Johnson's personal service in the conquest and reconstruction of Tennessee. The story is one of all the bitterness, hatred, violence, and lawlessness that accompany the disruption of a community by civil war. Johnson was sent to the state in 1862 as military governor, with the rank of brigadier-general. His duty was to effect a reorganization of the state politically, creating a government on the basis of that part of the population, a minority, that remained, or could be induced again to become, loyal to the Union. This duty was not fully accomplished until the winter of 1864-1865, after Johnson had been elected Vice-President of the United States. It was not because of any lack in the military governor of energy, courage, or tenacity, that success in his task was so long delayed. When he assumed office the state was pretty well cleared of Confederate troops. Soon afterward, however, it became the hard-contested battle-ground of great armies, and it remained so, with but short intermissions, till the destruction of Hood's force at Nashville in December, 1864. During these bloody years every attempt at political reorganization was interrupted and thwarted by the fluctuations of the military situation. When at last the way was clear the governor's time was short and his patience and normal respect for constitutional procedure were exhausted. The long-sought loyal government was organized; but the process was one of dictatorial main force.

Professor Hall's narrative throws a clear light on the problems and the difficulties that confronted the military governor, and not less on the qualities displayed by Johnson in dealing with them. No one who tries to understand the career of Johnson as president should fail first to study his administration as governor. At Nashville, as later at Washington, he was a narrow, bitter, fearless, hard-hitting politician, devoted with passionate intensity to the task of restoring as speedily as possible, and without too refined scruple as to the means, the Union as it was before the secession. His methods as military governor made bitter enemies both in Tennessee and at Washington, but, as Professor Hall shows in admirable detail, he never lost the confidence and cordial support of President Lincoln. It is pretty well established that Lincoln's influence had much to do with his nomination as Vice-President. The relation of these facts to the persistence with which Johnson clung to

Lincoln's policy and Lincoln's advisers, even the unspeakable Stanton, needs only to be suggested.

If, as is said on page 27, Johnson in the Senate at Washington "broke lances with Davis [and] Benjamin" on March 2, 1861, it must have been by absent treatment; for Davis and Benjamin were pretty busy just then at some distance from Washington. Again, the author should reconsider the statement (p. 46) that "at Shiloh . . . Grant drove Beauregard's army across the Tennessee river"; as the Union army was between Beauregard and the river, even Grant's tactical genius would have been unequal to the achievement ascribed to it.

Professor Hall's concluding chapter, summing up his views as to the policy and personality of Johnson, is interesting and eminently judicious. I wonder, however, if the author really thinks that Carl Schurz's otherwise illuminating recollection is convincing as to Johnson's drinking (pp. 219-220). The most trustworthy information on this point that has come to my attention is that contained in the recollections of Ben R. Truman, printed in a Los Angeles paper and partly reproduced in the *Century Magazine*. Truman was closely associated with Johnson in Tennessee as a secretary. Professor Hall seems not to have seen Truman's contributions.

WM. A. DUNNING.

*Reminiscences of a War-Time Statesman and Diplomat, 1830-1915.*

By FREDERICK W. SEWARD, Assistant Secretary of State during the Administrations of Lincoln, Johnson, and Hayes. (New York and London: G. P. Putnam's Sons. 1916. Pp. x, 489.)

THE recollections of a lifetime, narrated by an American whose first experience of travel was a three-days' journey by post-coach from Auburn to Albany, N. Y., in 1833, and who was still watching the procession of events in the second year of the present world war, could hardly fail to be interesting, even though of no considerable value as history. Mr. Seward's reminiscences are pleasantly written, touching chiefly the activities of his father as governor, senator, and Secretary of State, with a few references to his own childhood and youth and to certain occurrences after his father's death. The parts dealing with William H. Seward contain little historical material that has not already been published in his so-called *Autobiography* and his *Works*. Such additions as appear here for the first time are gossip details which, at best, contribute a human side-light to the interpretation of matters of more importance, like, for example, the description by the elder Seward of a visit to Louis Napoleon and Eugénie in 1859, when Eugénie's impulsive expression of her sympathy with the American abolitionists was quietly rebuked by her husband as an imprudence. We are treated also to the younger Seward's childish impressions of Andrew Jackson, when taken as a boy to the White House, where the President sat in a study lined with por-

traits and busts of himself, and held the lad on his knee while railing in characteristic fashion at the Senate, and snubbing Secretary Dickerson's interjection of a charitable word.

The most notable events in Secretary Seward's Cabinet service were the *Trent* affair and the purchase of Alaska; but the version given in this book of each incident is merely a repetition of what we find in *Seward at Washington*, from the same pen. In connection with the Alaska purchase the author challenges the mention in John Bigelow's *Retrospections* of enormous lobby fees used to push the necessary legislation through Congress; this he attributes to a confusion, in the memory of Mr. Bigelow, of some of the fugitive gossip of the period with sundry inside facts received directly from the Secretary—quite ignoring President Johnson's similar quotation of the Secretary, preserved in a memorandum of a conversation which took place between them while the purchase appropriation was still a fresh topic. His keenness to discredit this scandal makes the more surprising his silence regarding the "little bell" which, according to tradition, the Secretary boasted he had only to tinkle in order to consign a traitor in the North to prison. And the surprise increases as we read his candid account of the methods by which Maryland was kept from joining the Confederacy, in spite of the majority of secession sympathizers in her legislature. The freedom with which this element advertised their views simplified the task styled by Mr. Lincoln "separating the sheep from the goats", when he privately instructed General Dix, commanding the eastern part of the state, and General Banks, commanding the western part, to watch the legislators starting to attend a session called to meet at Frederick City in September, 1861, to let the Union men pass unrestrained, but quietly to turn the secessionists back to their homes. With such discretion were his orders executed, that the session adjourned without anyone's having so much as proposed an ordinance of secession. The fact that the administration's "high-handed usurpation" is still a subject for invective among a certain local class who never became reconciled to the result, leads Mr. Seward to justify such forcible interference with the business of a legislature on the ground that this particular body was preparing to invite the public enemy to plunge the state into anarchy.

L. E. F.

*An Introduction to the Study of Organized Labor in America.* By GEORGE GORHAM GROAT, Ph.D., Professor of Economics, University of Vermont. (New York: The Macmillan Company. 1916. Pp. xv, 494.)

PROFESSOR GROAT'S *An Introduction to the Study of Organized Labor in America* is divided into six parts. In part I. (the Background) he reviews very briefly in turn the Beginnings in England, the Beginnings in America, Wage Theories, and Modern Industrialism; in part II.

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(the Structure) he deals with the Knights of Labor, the American Federation of Labor, the American Trade Union, Trade-Union Statistics, and Women and Unionism; in part III. (Collective Bargaining) he discusses Strikes, Arbitration, the Boycott, the Closed Shop, the Trade Agreement, Restriction of Membership and Output, and Trade-Union Benefits; in part IV. (Political Activity) the subjects of the four chapters are Legislative Methods, Labor Legislation, a Political Labor Party, and Legislation versus Collective Bargaining; in part V. (Transitional Stages) Trade-Union Jurisdiction, Industrial Unionism, and Revolutionary Unionism are considered; in part VI. (Conclusions) Professor Groat's estimate of labor organizations and concluding remarks are found.

Those interested in the historical aspects of the labor movement will find little of value for their purposes in the book under review, for the author has not undertaken to provide "in any sense a history of the organized labor movement" (p. vii). His purpose has been rather to give in part I. and elsewhere the minimum of historical fact regarded as necessary to explain organized labor as a present-day institution. *An Introduction to the Study of Organized Labor in America* is to be taken for what the title suggests, viz., a text-book for college and other students beginning their studies of one part of the field of labor problems. For such students an introductory text has been sorely needed. In spite of its many good points, however, Professor Groat's text falls short of the desirable. The author has shown less of insight than of industry in gathering materials and opinions from many sources, and his book must be regarded as a useful store of fact rather than as a really helpful text.

In the opinion of the reviewer, the first shortcoming of Professor Groat's text is that it fails to bring out adequately the spirit of the labor movement. The chapters on "beginnings" are too brief and some of the others, for example, that on the Knights of Labor, are not well done. What is a wise selection of materials is a matter of judgment, but in the opinion of the reviewer it would have been much better to leave out some of the things requiring considerable space in order to treat the historical phases at greater length and to discuss some things passed over entirely. The chapter on wage theories might have been omitted without loss. Perhaps the student would rather have had statistics relating to the relative numbers of unionists and others by industries and occupations than those given at great length on pages 124 to 134. Certainly he will expect to find a discussion of injunctions, an analysis of the Clayton Act, and a discussion of the eight-hour philosophy and the shorter-hours movement, all of which have been neglected by the author.

The discussion of trade-union structure is not complete. Industrial unionism is discussed at great length, but the attempts of craft organizations through allied trades councils and other local federations and through national federations to meet problems requiring new methods

of attack do not receive adequate treatment. Indeed, some of these institutions of importance in trade-union structure are not discussed at all, while the *why* of the several departments of the American Federation of Labor is not made clear.

A fourth, and greater, defect of the book is in its organization. There will be no general agreement as to what is the best organization, but the organization of part III.—Collective Bargaining—which begins with strikes, then deals with arbitration, boycotts, and the closed shop in order, and only then takes up the trade agreement, will seem to most to be unfortunate. At several other points the organization of the book must be regarded as only less defective.

While errors have crept in here and there, as in writing Uriah S. Stevens for Uriah S. Stephens (p. 75 and elsewhere) and in the statement that the Stove Founders National Defense Association further developed into the National Founders Association (p. 66), the book is fairly accurate in statement of fact. Perhaps the most questionable important statement of fact is found in the discussion of the position of the courts with reference to the lawfulness of the strike and the boycott. Here the author finds the courts quite inconsistent. While it is true that the courts are not always consistent, the question may be raised whether they are so inconsistent as to ignore the intent of the strike and to refuse to accept the boycott because of its intent (pp. 264–266). The truth is that the strike may be questioned by the courts because of its intent or because of injury to third parties, while some forms of the boycott, as the term is used by Groat, may be regarded as legal. In his discussion the author permits the sympathetic strike and the strike for the closed shop to fall out of view, while he narrows the boycott to the secondary boycott. In this connection it may well be questioned whether Judge Taft was inconsistent in his reasoning in *Toledo, A. A. and M. R. Co. v. Pennsylvania Company*, 54 Fed. 730 (p. 265).

Finally, Professor Groat's book is defective in that he has not as a rule given references where another writer's work has been regarded as of sufficient value to discuss or quote, and has not given selected reading lists for the further study of the subjects discussed. Few will agree with the author that it is "best to keep the pages of an Introductory Study free from the interruptions of such references" when the book is to be used chiefly by students who are well along with their college course.

Inasmuch as numerous adverse criticisms have been made of this *Introduction to the Study of Organized Labor in America*, it is well in concluding the review, to state once more that this text has its many good points and will serve as a useful storehouse of fact.

H. A. MILLIS.

*Memorias de un Oficial de la Legión Británica: Campañas y Cruceros durante la Guerra de Emancipación Hispano-Americana.* Translated by LUIS DE TERÁN. [Biblioteca Ayacucho bajo la Dirección de Don Rufino Blanco-Fombona.] (Madrid: Editorial-América, Sociedad Española de Librería. 1916. Pp. 245.)

*Diario de su Residencia en Chile (1822) y de su Viage al Brasil (1823): San Martín, Cochrane, O'Higgins.* By MARÍA GRAHAM. [Biblioteca Ayacucho.] (*Ibid.* 1916. Pp. 453.)

*Memorias del Regente Heredia (de las Reales Audiencias de Caracas y México), divididas en Cuatro Épocas: Monteverde, Bolívar, Boves, Morillo.* By J. F. HEREDIA. [Biblioteca Ayacucho.] (*Ibid.* 1916. Pp. 393.)

*Memorias del General Rafael Urdaneta (General en Jefe y Encargado del Gobierno de la Gran Colombia).* Prólogo de R. BLANCO-FOMBONA. [Biblioteca Ayacucho.] (*Ibid.* 1916. Pp. xxxi, 444.)

*Memorias de Lord Cochrane.* [Biblioteca Ayacucho.] (*Ibid.* 1916. Pp. 301.)

THE first of these additions to the *Biblioteca Ayacucho* is a curtailed translation of a partial French version of an English original entitled *Campaigns and Cruises in Venezuela and New Grenada*, etc., covering the period from 1817 to 1830 and published in 1831. The present volume is cut off at 1821, when the author entered the naval service of Chile. Undesirable as a translation of a translation is apt to be, its shortcomings are all the more visible here in view of the fact that portions of the English text, together with some ten pages of notes appended to it, are omitted without comment, and that the French version is none too felicitous in its rendering of what is left.

The narrative of this English soldier of fortune does not contain a record of campaigns so much as a series of lively impressions about the strange people and curious things he saw or heard in a region full of "local color". At times this chromatic feature fades too far away from the truth; hence the translator has introduced foot-notes that supply the needful retouching. Whenever the author discusses actual events, however, his attitude is calm, impersonal, and dispassionate, even if he does not appear entirely to relish his situation or to appreciate the martial deeds in which he was a participant.

Although he wrote anonymously, internal evidence, supported by Hippius's *Narrative of the Expedition to the Rivers Orinoco and Apuré*, etc., would show that the name of the narrator was Vowels, and his official position in the Venezuelan army, at the outset, that of a lieutenant of lancers. On this point the editor, in his introduction, surmises that the author concealed his identity because of "skepticism" arising out of the circumstance that he had had no personal share in numerous



incidents that he relates. Whether the surmise be correct or not, the assertion (p. 6) that Hippisley took the same course of action is obviously erroneous. Nor is the editor's allusion to that officer quite fair when one remembers the latter's well-known retraction of his earlier opinions about Bolívar. "Campains and Croissers" (p. 8), furthermore, is hardly a correct form for the title of the English original of the work under consideration, and the same is true of "Memorias de un Oficial de Marina" as a running title, since the *Memorias* are made to end precisely at the point where the author becomes a naval officer.

Maria Dundas Graham, Lady Callcott, published in 1824 her *Journal of a Residence in Chile during the Year 1822, and a Voyage from Chile to Brazil in 1823*. This was translated into Spanish by J. Valenzuela D., a Chilean, in 1902, and is reproduced in the *Biblioteca Ayacucho* with the title slightly changed. Prologues by Juan Concha and the translator pay tributes of appreciation to the authoress and her work, and provide a biographical sketch. Numerous explanatory and critical foot-notes, also, are supplied; but the proof-reading of English words (*e. g.*, pp. 259, 260) is none too careful.

At the time she composed her journal, Lady Callcott was the widow of an English naval officer who died on a voyage to Chile. Spending about nine months in the country, she utilized her stay to record impressions of the social and political life which, in the opinion of Sr. Concha, are "strong, admirable in precision and penetration of observation, beautiful and imperishable". Occasionally, however, both editor and translator (pp. 242, 339) criticize her statements in a manner indicating that a few more of the same kind would have rendered the work of infinitely less value.

Upwards of one-fourth of the book is given over to a sketch of the history of Chile, almost wholly between 1808 and 1822, with particular emphasis upon the career of Lord Cochrane. The journal proper, extending from April 28, 1822, to March 13, 1823, has much to say about scenery and botany, and is interspersed with reflections on history and with quotations from English and French literature. Here again it is patent enough that, to his feminine compatriot, what Lord Cochrane did was of paramount importance and what he thought about men and events, and notably about such a man as San Martín, of unquestionable truth. With this exception, and apart from a primly Anglican aversion to certain practices of Roman Catholicism, many of Lady Callcott's characterizations display a genuine gift of psychological analysis which in expression is devoid of either flattery or sarcasm.

José Francisco Heredia, father of José María Heredia, the Cuban "poet of Niagara", was assessor of the intendency of West Florida when, in 1809, he received an appointment to membership in the "audiencia", or supreme court, at Carácas, of which he became regent. Later he was transferred to the "audiencia" of Mexico. His memoirs were composed at Havana between 1818 and 1820. As first published

at Paris in 1895 under the editorial direction of Enrique Piñeyro, they bore the caption *Memorias sobre las Revoluciones de Venezuela*, and were prefaced by an extensive biography as well as followed by a considerable number of documents. Neither of these important features is reproduced in the present edition, which departs from the original in still another respect by dividing the text into epochs named after the dominant military figure in each. It differs, also, from all the other volumes published thus far in the *Biblioteca Ayacucho* in what seems to be a rather curt omission of any reference on the part of the editor to the author or his work.

Of primary value for the history of Venezuela between 1810 and 1815, the memoirs of Heredia set forth the experiences and opinions of a staunch royalist whose judicial mind, nevertheless, enabled him to be fairer in his attitude than most of his contemporaries. Naturally a hostile critic of the revolutionists and their cause, he evinces a spirit altogether remarkable for its lack of hatred and vindictiveness. He does not hesitate even to condemn acts of cruelty committed by partizans on his own side. Solely in the case of Miranda does he appear to cherish a sharp dislike for the "father of Spanish-American independence", much as he may have wished to treat him justly.

Rafael Urdaneta was one of the few lieutenants of Bolívar who remained faithful to the Liberator throughout his days of glory and adversity. Displacing Mosquera as supreme head of Great Colombia, only to be ousted in turn by Caycedo, he took up his residence later in Venezuela, where from tilling the soil he was called to high station in the public service. His memoirs were prepared originally as a collection of notes confirmative of the material assembled by O'Leary. After undergoing much elaboration they were published by two of his sons at Carácas in 1888.

However praiseworthy their purpose, the method of presentation adopted by the editors proved to be extremely confusing. Since the author's own notes in reality dealt only with the eighteen years from 1813 to 1831 and were too brief for readers unfamiliar with the details of the period, it was decided to eke them out with documents, comments, and other explanatory matter running backward to 1810 and forward to 1845. As a result the interpolated items in many cases were far longer than the corresponding text itself. Such a procedure simply swamped the original in a mass of addenda, especially since no effort was made to distinguish between them by the employment of different kinds of type.

In order to overcome these disadvantages, the present edition has limited the portion of the *Memorias* selected for reprinting to the events of the period 1813-1831, as narrated by Urdaneta himself and as descriptive of his actual share in them. It has effected a redistribution of the items, whereby editorial notes and comments have been removed from the body of the text and placed, in complete or summarized form, at the bottom of the page; and most of the documents have been relegated to an appen-

dix where they have been rearranged in topical fashion. Also to facilitate reading, the text itself has been divided into numbered sections with appropriate titles and dates. Useful though these changes are, it may be doubted whether they compensate altogether for the lack of a good index from which all the volumes of the *Biblioteca Ayacucho* suffer.

Granted that Urdaneta may be worthy of the praise bestowed by Sr. Blanco-Fombona—praise more eulogistic by far than that accorded to any other hero of the revolution whose memoirs have been printed in the present collection—the reviewer does not understand just why this particular work should have been singled out as a vantage-ground on which to discuss at length the place of Venezuela in the movement for emancipation. However serviceable an explanation of the sort may be in providing an historical environment for the soldier-statesman in question, it would seem properly to belong to the initial volume of the *Biblioteca Ayacucho*. Whether Venezuela, furthermore, actually started the revolution, whether it was in fact the first to depose and expel the Spanish authorities, to establish an independent government, to convoke a national congress, and to declare its independence is a series of questions (p. xvii) which, if submitted in their entirety to the judgment of Colombians, Ecuadorians, and Paraguayans, might provoke a different set of answers.

Sharply in contrast to the character of Urdaneta and to the spirit of his work stand Thomas Cochrane, tenth earl of Dundonald, and his *Memorias*. "The greatest of the naval heroes of the Pacific during the war of American emancipation", as Sr. Blanco-Fombona calls him, published in 1859 a *Narrative of Services in the Liberation of Chili, Peru, and Brazil from Spanish and Portuguese Domination*. Of this account the first volume was translated into Spanish the following year, underwent several other editions in that language, and was carefully reprinted in 1905 as a volume in the *Colección de Historiadores i de Documentos relativos a la Independencia de Chile*, of which the present work is a reproduction.

The memoirs cover the period from 1817, when Cochrane took charge of the Chilean navy under the general direction of San Martín, to 1823 when, at hopeless odds with his superior officer and deprived both of his command and of the property granted him as a reward for service, he enlisted under the banner of Brazil. The latter part of the work describes his efforts to secure reparation for the treatment he had received from Chile.

That Cochrane had a "violent disposition and a fiery temper" is a fact that requires no especial emphasis in this connection. Great as his contribution to the cause of Spanish-American independence was, it suffered some diminution, in the moral sense at least, from the fierceness with which the British sailor assailed anyone or anything that crossed his imperious will. Those who idolize San Martín certainly will find the present *Memorias* unpleasant reading. But, as the editor remarks (p.

8), it was not British folk alone who had no love for that officer. The majority of his military subordinates, and the very countries for which he did so much, entertained scant regard indeed for a man who had "neither the gift of command nor the gift of deceit"; nor even, it might be added, the gifts of persuasiveness and of popularity. The inclusion of Cochrane's work, therefore, in the *Biblioteca Ayacucho*, along with that of Heredia, which is almost as severe in its treatment of Miranda and Bolívar, exemplifies the desire for impartiality characteristic of the collection in general.

WILLIAM R. SHEPHERD.

#### MINOR NOTICES

*Assyrian Historiography: a Source Study.* By Albert Ten Eyck Olmstead, Associate Professor of Ancient History in the University of Missouri. [The University of Missouri Studies, Social Science Series, vol. III., no. 1.] (Columbia, Mo., University of Missouri, 1916, pp. vii, 66.) Professor Olmstead is deservedly well and honorably known among students of the history of the ancient Orient, for his *Western Asia in the Days of Sargon of Assyria: a Study in Oriental History* (New York, 1908) is still the best monograph on the reign of any Assyrian king. He has now essayed the task of making a source-study of the historical materials from the reigns of Tiglathpileser I., Ashurnazirpal III., Shalmaneser III., Shamshi-Adad V., and the Synchronistic History, Sargon, Sennacherib, Esarhaddon, Ashurbanipal, and the Babylonian Chronicle. Those of us who have most been occupied with the attempt to reconstruct and present the history of Assyria will be most ready to attend gladly to his presentation of the results of a very close analysis of the material, such as it is, upon which we must, for the greater part, depend, nor shall we be disappointed, for Professor Olmstead has much of importance to say. It is, however, most unkind of him to say that: "in nearly every reign it has been the latest and worst edition which has regularly been taken by the modern historians as the basis for their studies" (p. 8). As Artemus Ward would say, "this is 2 mutch". We must be thankful for the "nearly" in this scarifying sentence and deny the "regularly"; feeling confident that we could present just enough cases to require the substitution of "occasionally" for the more offensive adverb. As to the rest we must make Kingsley's plea of "ignorance". Concerning the dictum which Olmstead expresses in bold italics thus: "Now it would seem that all Assyriologists should have long ago recognized that *any one of these editions is of value only when it is the most nearly contemporaneous of all those preserved. When it is not so contemporaneous, it has absolutely no value when we do have the original from which it was derived*" (p. 8); I feel some doubt. This would indeed simplify our problem, for we should need only to know in what year any document was written and might then follow it against all others.

Without denying the general validity of the method one might venture to say that it surely cannot absolve us from a critical study of even the later documents which may surely in some cases supply a better version, nor doubtless would Professor Olmstead press the judgment to the ultimate. However it may go with so sweeping a statement, there cannot be two opinions about the value of the results which he has already achieved by the sifting to which he has submitted the documents of these reigns. The mastery of the literature cited by Olmstead is complete; scarcely anything has escaped him. In the matter of Boissier's Zürich texts which Olmstead studied in the brief reference in the *Proceedings* of the Society of Biblical Archaeology, but intimates that he had not seen (p. 33, note 2), Boissier, *Notice sur quelques Monuments Assyriens à l'Université de Zürich*, I am able to assure him that he has lost nothing of value, for I have the little book before me at this writing.

ROBERT W. ROGERS.

*Plutarch's Lives.* With an English Translation by Bernadotte Perrin. Volume IV. *Alcibiades and Coriolanus, Lysander and Sulla.* [Loeb Classical Library.] (London, William Heinemann, New York, G. P. Putnam's Sons, 1916, pp. ix, 467.) The appearance of the fourth volume of Perrin's translation of Plutarch's *Lives* has followed close upon that of the third, which was discussed in last October's issue of the *Review*. What was said then with regard to the general characteristics of this edition is equally applicable to the new volume. Here we have the *Parallel Lives* of Alcibiades and Coriolanus, Lysander and Sulla. The translation of the *Alcibiades* is that which appeared in the author's *Plutarch's Nicias and Alcibiades* (1912), but the other three versions are now presented to the public for the first time. Fresh and vigorous, their style maintains the high level of the translator's previous efforts.

The work of connotation has been done with great care and accuracy; consequently, there are few errors of any sort to be noted. However, in note 1, page 19, the date of the duration of the siege of Potidaea should be 432-430, as is regularly accepted from Thuc., II. 70. What is obviously a slip occurs on page 461, where Antemnae is said to have been "some three miles *south*", instead of north, of Rome.

These volumes from the pen of Professor Perrin have shown that there was still room for a new translation of the "immortal *Lives*".

A. E. R. BOAK.

*Dio's Roman History.* With an English Introduction by Earnest Cary, Ph.D., on the basis of the version of Herbert Baldwin Foster, Ph.D. Volume IV. [Loeb Classical Library.] (London, William Heinemann, New York, G. P. Putnam's Sons, 1916, pp. 502.) The first three volumes of the Loeb translation of Dio bear the imprint 1914. The fourth volume—there are to be nine volumes in all—has just appeared under the date 1916. This welcome addition to the Loeb classics con-

tains the Greek text and English translation on opposite pages—as do all the volumes—of books XLI.–XLV. of Dio's *History*. From the day the first volume of the Loeb series appeared there has been regret expressed that a new font of Greek type as good as that used in the new *Oxford Classical Texts* had not been cast expressly for such a splendidly ambitious project; regret that the paper was not more opaque; and regret that the books were to cost so much. But the merit of the undertaking and its proved value so much outweigh minor shortcomings, that each new volume is acclaimed not only by the profession, but by every one interested in historical literature.

It may be worth while to recall the fact that Dio Cassius Cocceianus (epigraphically proved correct, although the Greek form, Δίων ὁ Κάσσιος, gave Dion Cassius widespread currency) had not been translated into English until H. B. Foster brought out his six-volume translation (Troy, N. Y., 1905–1906) under the title *Dio's Annals of Rome*. The present translator has followed Foster pretty closely, with such changes as a more modern text seemed to demand, enough changes, he believes, to have warranted the use of a different title.

The text follows Boissvain's 1895–1901 edition, and the variants at the bottom of the Greek page are carefully chosen. The last ten years have seen very little critical work on Dio, in fact, only one article of consequence, namely, van Herwerden's "Spicilegium Dioneum" (*Rheinisches Museum*, 1909), and this seems not to have been used. The translation is good, well up to that of the previous volumes.

R. V. D. MAGOFFIN.

*A Guide to the Study of the Christian Religion.* Edited by Gerald Birney Smith. (Chicago, University of Chicago Press, [1916], pp. x, 759.) A dozen scholars, all excellent authorities in their respective fields, have joined in producing this *Guide* under the general editorship of Professor G. B. Smith of the University of Chicago. Their primary purpose has been, to help students to understand the meaning of the various aspects of education for the Christian ministry. They have also wished to help pastors to keep in sympathetic touch with the latest scholarship. But so largely has the Christian religion been shaped by its history, so largely must the explanation of its various features rest on historical study, that nearly two-thirds of the book is historical in character. The volume may well be invaluable to many an historical professor or student who, unable to undertake prolonged or special studies in the history of Christian literature, organization, thought, and practice, yet wishes, under guidance which he knows to be competent, to extend his knowledge of these fields, and to know how he can approach, and where he can find, the most modern views respecting them. Such persons, amateurs in the history of religion though perhaps professional students of history in general, will be delighted with the essay of Professor Shailer Mathews on the Historical Study of Religion, those of Professor J. M. P. Smith



and E. D. Burton on the Study of the Old and New Testaments respectively, that of Professor S. J. Case on the Study of Early Christianity, that of Professor F. A. Christie on the Development and Meaning of the Catholic Church, that of Professor George Cross on the Protestant Reformation, and that of Professor Errett Gates on the Development of Modern Christianity. The statements are clear, comprehensive, and judicious. The successive essays are kept remarkably uniform in method and in texture. Frequent brief bibliographies at the end of sections—perhaps two hundred of them—describe the books most useful to readers of the classes for whom the manual is designed. The book is well conceived and well executed.

*Phases of Early Christianity.* Six Lectures by J. Estlin Carpenter, D.Litt. [American Lectures on the History of Religions, vol. XII.] (New York and London, G. P. Putnam's Sons, 1916, pp. xvi, 449.) The title of this book is scarcely an adequate guide to its purpose or importance, though it is easier to criticize it than to suggest an alternative. "Phases of Early Christianity" might mean so many things that it almost ceases to denote anything in particular. Nevertheless the task which Dr. Carpenter has undertaken is extremely important, however hard it may be to define it in a phrase.

He has started with the fundamental fact that Christianity was from the beginning a religion of salvation. Men were oppressed not only by the daily cares and troubles of life, but by the fear of the unseen and unknown both in this world and after death. This fear, partly at least natural, was stimulated by a theology which explained the unseen and unknown by an enormous apparatus of demons and gods, and was nourished by the credulity of that intelligent and imaginative ignorance which characterized the Graeco-Roman world.

The search for salvation—for rescue from this world of nightmares—was as central in Christianity as in heathenism, and Dr. Carpenter elaborates the early history of the phases of thought and practice which were thus produced. It is a misfortune inherent in the plan of his book that he could not describe heathen methods as fully as he has Christian ones.

The first chapter deals with the relation of salvation to the individual. The second elaborates the history of thought concerning the Saviour, the third treats of the idea of the Church as the sphere of salvation, the fourth discusses the Sacraments, the fifth explains "Salvation by Gnosis", and the last summarizes the state of Christianity in the third century.

Every one of these chapters is full—almost too full—of exact and scholarly information. There is no book in English which is even in the same class. It is marked by cautious yet vigorous judgment, and when an opinion is given on controversial issues attention is clearly drawn to the rejected alternatives.

Such a book inevitably suggests the great contrast between the gen-

eral religion of the modern world and this early Christianity. Religion to most men now means the stimulation of life in the direction of goodness by an emphasis on "ultimates". It may be mystical, or ethical, or intellectual, or whatever adjective may be fashionable, but it is in any case an integral part of life. One of the Christian poets of the last century sang that "the daily round, the common task, will furnish all we ought to ask". No early Christian would have said that: as Dr. Carpenter shows, the whole point of early Christianity was that the "daily round" does *not* furnish salvation, and the generation to which it belonged was not looking for strength to do its duty, but for supernatural blessings apart from its common task. The mystics of the nineteenth century saw a vision which illuminated ordinary life from within. Even when their vision appeared to them to be separate in origin it merged in the end into the "light of common day". But to the mystics of the third century the opposite was the case. They looked for a vision which was superimposed on the "light of common day" and extinguished it altogether by its supernatural brightness.

KIRSOPP LAKE.

*Christianity and Nationalism in the Later Roman Empire.* By E. L. Woodward, M.A. (London and New York, Longmans, Green, and Company, 1916, pp. vii, 106.) The author states his problem thus: "How far was the struggle between Orthodoxy and Heresy, in the later Roman Empire, really a political struggle between the central authorities of the Empire and the different nations of which the Empire was composed?" (preface, p. vi). It is an attractive problem to consider, and its solution calls for the careful study of a period in which religion and politics were almost inextricably mingled. In spite of the author's belief that "no explanation suffices to account for a complex historical situation" (p. 5), he has given his subject fresh and interesting treatment. But he does not claim that the discussion is either conclusive or exhaustive. He hopes to complete it in a later publication.

After a general introduction on the growth of the Christian empire, Mr. Woodward proceeds to examine the connection between heresy and nationalism in Africa, Egypt, Syria, and the West, interjecting an appropriate chapter on Justinian's attempt at central control. The races and peoples which fall under review are those which embraced one or another of the Donatist, Arian, Nestorian, and Monophysite heresies. The work is based upon independent study of the sources, from which there are frequent citations, but recent French literature on the subject has been freely utilized. The book is furnished with an index.

So far as the author reaches a definite conclusion, it is this: "The championing of particular heresies by particular nationalities was due . . . to causes other than intellectual" (p. 102). By this he means, for example, that the Goths were Arian, not because of theological preference, nor merely because they had been converted by Arian teachers, but

because political conditions in the Western Empire "made devotion to Arianism synonymous with Gothic patriotism" (p. 70). Similarly in the East, the Armenians embraced Monophysitism and used it "as a barrier to defend their nationality" (p. 48). Everywhere the author finds "political discontent expressing itself through religious channels" (p. 39).

This unprincipled use of heresy, if one may so describe it, is found in connection with practically all the national churches of the ancient world. It even finds indirect expression in the empire itself, when Justinian and Theodora "adopted different sides in the Monophysite controversy out of arrangement" (p. 55). The author appeals to Evagrius in support of this conjecture, which in itself is not improbable. But in justice to Evagrius it should be said that he offers an alternative explanation equally possible, when he tells us that Justinian upheld the Chalcedonian decree, while Theodora favored the Monophysites, "either because such were their real sentiments . . . or by mutual understanding" (*Ecclesiastical History*, IV. 10).

The reader will agree with Mr. Woodward in recognizing the constant interplay of religious and political motives in the history of the Eastern Empire during the fifth and sixth centuries. And he will accept the statement that "If Christian orthodoxy was a unifying influence, it naturally followed that the heresies were disruptive of the Empire as a whole, quite apart from any local and incidental trouble they produced" (p. 101). This perhaps is as far as one can safely go in attempting to explain the historical situation.

JOHN WINTHROP PLATNER.

*The Book of the Popes (Liber Pontificalis): I. To the Pontificate of Gregory I.* Translated with an Introduction by Louise Ropes Loomis, Ph.D. [Records of Civilization: Sources and Studies.] (New York, Columbia University Press, 1916, pp. xxii, 169.) In the series of *Sources and Studies* planned by professors of Columbia University and edited by Professor Shotwell appears a translation with notes of the *Liber Pontificalis*, the indispensable if not altogether trustworthy foundation for every study of early papal history. The author, Dr. Louise Ropes Loomis, has undertaken to present in English form a simplified and somewhat abbreviated version of the original. She follows in the main the text and the comparative method of Mommsen in his edition published in the *Monumenta Germaniae (Gesta Pontificum, I.)* in 1898. She has compared this text with that of Duchesne published in 1886 and has made extensive use of his long introduction and notes. The result is a compilation which will serve well the purpose intended, namely, to give intelligent readers and general students of history a comprehension of the kind of material upon which the formal record of the papal institution has been based. The special student will, of course, still have to consult the original.

The compilers of the *Liber Pontificalis* had several objects in view. They wished first to establish a chronology of the Roman bishops, a matter of considerable uncertainty and obviously manipulated so as to make the lists come out right at certain fixed points. Then they were interested in fixing dates for the beginning of certain practices in the Church, the earlier the more impressive, as, for instance, the order that consecrated vessels might be touched only by the clergy, ascribed to bishop Sixtus I. (?117-126), and the decree of Eleutherius (170-185) that no rational food should be prohibited to Christians, "because God created it". The nationality of the bishops was regularly stated if it could be ascertained, and their deaths and burial places noted, together with the certification of martyrdom in nearly every case until the time of Constantine. At this point the entries naturally become fuller and the interests of the recorders widen. With Bishop Sylvester begins the recording of gifts to the Church, which Miss Loomis wisely omits after giving as specimens those made to Sylvester himself. Finally, the number of his ordinations, without specifying either names or places, is regularly attached to the record of each bishop.

The work of the translator was rendered the more difficult by the entire absence of precedents, for this is the first attempt to render the *Liber* into a modern tongue. The originals abound in grammatical impossibilities, and a considerable latitude must be given to the translator's common sense and understanding of the historical situation. Miss Loomis has acquitted herself of the task with distinct credit. She has been well advised in not striving after "originality" in her renderings, but rather in choosing her guides well and following them intelligently.

E. EMERTON.

*History of the Alien Priories in England to the Confiscation of Henry V.* By Chester William New. (Menasha, Wis., George Banta Publishing Company, 1916, pp. x, 96.) This doctoral dissertation contains an enumeration of the grants of English property to French religious houses (chapter I.), a catalogue by classes of the alien priories (chapter II.), their history in chronological order from 1204 to 1414 (chapters III.-V.), and a table which displays among other things the location, origin, classification, value, and ultimate disposal of each priory (appendix). The addition made to our store of knowledge is considerable. The relations of the alien priories to the English government receive the fullest treatment yet accorded them, while the first two chapters constitute a valuable supplement to portions of Dugdale's *Monasticon*. The information about individual priories and their possessions, however, is not easily accessible, because there is no index, and the author uses ancient or modern forms of place-names indiscriminately. Some forms, indeed, appear to be original with him.

Mr. New brings together for our use material obtained by the industrious perusal of many manuscripts and printed sources; but his exten-

sive searches were not exhaustive. He cites, for example, several cartularies kept by alien priories, but in the depositories frequented by him there are a dozen and more which he does not mention. He could have consulted some of these fruitlessly perhaps, but not all (*e. g.*, British Museum, Add. MS. 15668). Neither did he squeeze dry the evidence which passed through his hands. An illustration is his failure to indicate whether the values in his appendix represent annual income, annual income and movables, or something else. The omission renders them useless for comparative purposes. This lack of thoroughness is regrettable, but not reprehensible, since he did not intend the study to be definitive (introduction).

Blunders occur, however, which ought to be in no historical work. The titles in the bibliography (pp. vii-x) often do not correspond with the title-pages of the works cited. The place or date of the publication is occasionally included, but rarely do both appear, and both may be absent. Many words in the titles are misspelled. After liberal allowance for typographical troubles the author must still take the responsibility for those repeated time after time (*e. g.*, "Gifford" for Giffard). These slips are so numerous as to make difficult the location of the author's sources. The attempt to find specific references given in the foot-notes leads to additional obstacles. Titles not found in the bibliography appear from time to time (*e. g.*, pp. 92-94), often in abbreviated forms, difficult—if not impossible—of interpretation (*e. g.*, "Tax. Norwich, 1225", p. 30, note 95). The volume, the page, or the folio is frequently omitted or stated erroneously. Despite this gross carelessness, the verification of about one hundred references selected at haphazard left the reviewer with the impression that Mr. New had generally recorded his evidence with much greater accuracy than he had noted its location.

W. E. LUNT.

*Menno Simons: his Life, Labors, and Teachings.* By John Horsch. (Scottdale, Pa., Mennonite Publishing House, 1916, pp. 324.) This is a welcome addition to religious literature, since there is no other life of Menno available in any language. It is gratifying, too, that such a book should be produced by an American scholar. It is not Mr. Horsch's first literary adventure; some years ago he published an outline of the history of Christianity, and he has contributed valuable articles to current newspapers and periodicals. That he had almost virgin soil to break is probably due to the fact that the material for a real biography of Menno is so slight. After all the author's diligence, the facts regarding Menno might have been stated in a single page: and he has really established but one fact not previously known, namely, the probable date of Menno's baptism, certainly of his renunciation of Romanism, January 30, 1536. He has been compelled to devote most of his space to an account of Menno's opinions and extracts from his writings. To this he has added refutations of many things falsely charged against Menno,

most of them quite convincing; and discussions of the relation of Menno to other radical leaders of the time, like Melchior Hofmann and John of Leyden. He is quite successful in vindicating the Mennonites from any sympathy or complicity with the men of Münster, without, however, showing full comprehension of the ideals and purposes of the latter.

In saying these things, one should not be understood to criticize Mr. Horsch or his book; it is rather an attempt to describe accurately what he has done. The subtitle is just: "the life, labors, and teachings", of Menno; mainly the labors and teachings, because so few facts have been preserved about the life. But the historical value of the book is very considerable, the author's diligence is exemplary, and a quantity of material has been brought together from various sources that has never before been printed in English. One of the interesting documents of the sort indicated is the decree published by Charles V. on December 7, 1542, in which Menno is mentioned by name as guilty of Anabaptism, one of the worst crimes possible in the judgment of all European governments of that time.

The author's diligence and good sense are more in evidence than is literary skill. The book is unnecessarily jejune and dry, because of the great preponderance, in parts, of quotations from documents, the interest of which to a reader is in inverse ratio to their value to a student of history. It is to be feared that this quality will limit the number of readers unduly. Many sentences are awkwardly constructed, and their idiom, together with the use of words like "inreasonable", suggests that the writer may be more at home in the German language than in English. It is in many ways so good a book that it is a pity it was not made a better.

HENRY C. VEDDER.

*The Golden Book of the Dutch Navigators.* By Hendrik Willem van Loon. (New York, the Century Company, 1916, pp. xii, 333.) When the Dutch began to push out into the sea, it seemed as if the Spanish and the Portuguese had almost monopolized the field of colonization and discovery. But being accustomed to adversity the Dutch first occupied what had been neglected by their predecessors, and then, when they had grown bolder and stronger, seized whatever else they could. Jan Huygen, who had spent five years with the Portuguese at Goa, stimulated the first Dutch expedition which sailed for the East Indies in 1594. Although this voyage, led by Cornelius Houtman, was unsuccessful, another expedition set out from Holland in 1598. This time the island of Mauritius was discovered, and the ships returned heavily laden with the precious spices. In the meantime Huygen, Barendsz, and Heemskerk, in their zeal to find a nearer and safer way to the Indies, tried the northeast passage in vain, but they have the discovery of Spitzbergen and other places in the Arctic Ocean to their credit. Schouten and LeMaire, by their discovery of Cape Horn in 1616, made it unnecessary



for ships to undertake the terrors of the Straits of Magellan. Tasman, who was employed by the East India Company, discovered the island which bears his name, and made the first careful exploration of the coast-line of Australia. To this list should be added the various voyages which enabled the Dutch to chart the map of the Southern Pacific.

Narratives of the voyages of these early Dutch discoverers make up the contents of this book. But Dr. van Loon also describes the inevitable attacks on Spanish and Portuguese settlements in the East Indies, in the Philippines, and on the west coast of South America. The sea life and the enormous difficulties which attended it come in for a large amount of space. For navigation in those days was extremely uncertain, and many a vessel went down in the storms. The lack of fresh food almost invariably produced the dreaded scurvy. Indeed when once a man had sailed for the Indies his chances of return to the home-land were not at all favorable. One need not wonder, therefore, that only the cast-offs of the earth could be induced to undertake the lot of a common sailor. But even if these early heroes of the sea were extremely rough men the Dutch are largely indebted to them for their colonial and maritime greatness, and it is well that the English-speaking world should have a better knowledge of them than it has had.

The author has obtained his information from contemporary accounts, which hitherto have not been available in English. He has chosen those portions which are important or which tell a good story. A more deliberate attempt to entice the reader's interest with anecdotes told in the language and style of the newspaper is seldom found in serious historical writing. It cannot be denied, however, that the author has been successful, and it may be expected that his book will appeal not only to the historical student but also to the general reader. The book is well supplied with reprints of contemporary cuts.

GEORGE F. ZOOK.

*A Brief History of Poland.* By Julia Swift Orvis, Associate Professor of History in Wellesley College. (Boston and New York, Houghton Mifflin Company, 1916, pp. xix, 359.) The character of Professor Orvis's book is best indicated by the words of her preface:

This is not the book of an investigator. It is simply an attempt to present the results of much work already done by others on a difficult and complicated subject, in such a way as to reach and interest the many to whom Poland's great past as well as her present problems and their wide significance, are practically unknown.

The attempt has been eminently successful. Among the short histories of Poland that we now possess in English (Morfill's, Bain's, Phillips's), Miss Orvis's work seems to the reviewer by far the best.

One can scarcely overestimate the difficulty of compressing within little more than three hundred pages, and yet of presenting in a clear

and readable manner, one thousand years of history, especially the history of a people whose constitutional development, political problems, and international relations have been so vastly different from those familiar to Western readers. No one who has faced such difficulties will fail to recognize the skill which the author has shown in condensing, eliminating superfluous details, keeping just proportions, emphasizing essentials, and enlivening her narrative by occasional, well-chosen quotations from the sources.

The book is, in general, accurate and scholarly. It is to be regretted, however, that the author's spelling of Polish names is often incorrect: *e. g.*, "Dobzyn" (p. 46), "Dobryzn" (p. 55) for Dobrzyń, "Maciego-wice" for Maciejowice (p. 236), "Wielpolski" for Wielopolski (p. 273), etc. Some errors of fact have crept in here and there, such as the assertion that Sigismund III. "reigned for two years as Czar of Muscovy" (p. xiv), or that in 1697 "a large party in the Diet . . . had proclaimed Stanislaus Leszczynski king, and the first act of Augustus was to drive him out" (pp. 155-156). The account given of the migrations of the early Slavs is open to grave objections, and the author's description of the appanage system of the twelfth century would apply to Russia much better than to Poland. Finally, one hardly knows what to make of the statement that the Hohenzollerns acquired in 1793 "the vast region known to-day as South Prussia" (p. 227), and in 1795 "the territories which to-day make up New East Prussia and New Silesia" (p. 237). Such errors, however, are not sufficiently common to mar seriously what is, on the whole, a very interesting and praiseworthy historical work.

R. H. L.

*Losses of Life in Modern Wars: Austria-Hungary, France.* By Gaston Bodart, LL.D. *Military Selection and Race Deterioration.* By Vernon Lyman Kellogg. Edited by Harald Westergaard, LL.D. [Carnegie Endowment for International Peace, Division of Economics and History, John Bates Clark, Director.] (Oxford, Clarendon Press, 1916, pp. x, 207.) *Losses of Life in Modern Wars* presents an analysis of direct war losses—killed and wounded—in Austria-Hungary and France for a period of three hundred years. The data are collected from many sources, partly by original research, and arranged chronologically, principally in tabular form, with brief text summarizing the duration, causes, participants, and results of each war.

Austria and France seem to have been selected because they rank first in the number and significance of modern wars waged by the military powers of Europe. The Austrian record is forty-nine wars, occupying 161 years out of the three centuries; that of France eighty-eight wars, occupying 148 years. This, as Dr. Bodart observes, is a "gloomy distinction". From 1600 to 1850, the longest period of peace enjoyed by Austria-Hungary was fourteen years, by France thirteen. Hence, as some wounded men must have expired annually even during these

longest periods of peace, the direct war loss was continuous for two centuries and a half. Inspection of this exhaustive study suggests:

1. That the bewildering frequency of European wars since 1600 is no more impressive than the kaleidoscopic shifting of alliances, by which, like changing partners at a dance, the allies of one campaign become adversaries in the next.

2. That the great powers of Europe have survived continuous blood-letting for nearly three centuries, exhausting and often amid barbarous conditions, and developed the prosperous and populous Europe of this century.

Bound with this paper is Professor Kellogg's preliminary report on Military Selection and Race Deterioration, occupying forty pages. This study in particular develops proof of three points: the formation of armies from the best human material, actual deterioration resulting from withdrawal or death of this element, and the prevalence of race-injuring diseases. The record within the same covers of three centuries of human loss is complete and appalling enough to prove points one and two. Yet how does it happen that the progeny of the survivors of 1700 pitched battles, and of disease and captivity, has raised Europe to the pinnacle of civilization thus far attained, and contributed millions of emigrants to America, mostly superior in strength and fertility to our peace-fed stock?

It is to be hoped that Professor Kellogg's final report will include the larger aspects of this subject. Of course war is appalling, but somehow along with it, men and their best qualities have grown stronger. What of the race deterioration of peace? We need an essayist who shall point the way to make peace wholly a blessing.

*The Navy of the Restoration from the Death of Cromwell to the Treaty of Breda: its Work, Growth, and Influence.* By Arthur W. Tedder, B.A. (Cambridge, University Press, New York, G. P. Putnam's Sons, 1916, pp. ix, 234.) It is no easy matter to evaluate a book whose author, in his preface, presents a plea in confession and avoidance of "active service conditions which have greatly delayed publication" and may serve to "partially excuse the more palpable faults and omissions which under happier circumstances I should have hoped to correct and repair". Against such a case it would not be possible to plead, whatever the offense. Fortunately it is not necessary. Among the numerous writings on naval affairs which recent years have produced, this unpretentious essay must hold an honored place, not merely in itself but in what it represents. It covers some nine years' history of the English navy, and that not fully since it omits, avowedly, the western operations of Holmes and Harman, and it covers, in one chapter, much of the ground already traversed by Corbett in his *England in the Mediterranean*. The author, moreover, has not had access to the manuscript materials in foreign libraries, one set of which, at least, would have, perhaps, some-

what modified his statements. But so far as he has gone in the materials he has used and the method employed, in his spirit and presentation, no less than in his investigation, his little essay may well be a model and an inspiration to young historical scholars. The sound foundation of all such work, his bibliography, is admirable, his grasp of the essential elements of his task—the situation and spirit of the navy, its status and its activities, and the part it played in public affairs during these critical years—are clearly and convincingly set forth. It would be easily possible—and, under the circumstances, unpardonably invidious—to call attention to matters of detail where, as in the account of the Dutch attack in 1667, further investigation would have cleared up certain points like the attack on Harwich, and the peculiar incident of its commander—who, by the way, Clowes seems to have discovered in another connection, and named incorrectly. But, taken all in all, this little study could hardly have been improved in its essentials, and one may only hope that its author may be spared to continue work he has so fortunately begun and for which he seems so eminently fit.

W. C. ABBOTT.

*The Great Comet of 1680: a Study in the History of Rationalism.* By James Howard Robinson, A.M., B.D. (Northfield, Minn., 1916, pp. 126.) Much as we have known of the fear of comets, it was by scattered episodes. An excellent idea it was to set a Columbia *doctorandus* at gleaning what was thought about some single comet; and no comet could have been so happily chosen as that which more than any other marks the turning-point between superstition and science. The author prefaces his task, indeed, with a survey of the superstition prior to 1600 and with a more careful study of the progress of thought as to comets in the first three-quarters of the seventeenth century; but it is to the comet of 1680 that all this leads. In turn he tells us what was thought of it in Germany, in England and her American colonies, in France and Holland. A whole chapter is given to the rationalizing influence of Bayle. A brief final one traces "the victory of science and reason" thenceforward. An appended bibliography lists the enormous body of contemporary publications on the comet of 1680.

The author's work is done with zest, and often with humor—as might be expected from a pupil of Professor James Harvey Robinson. The country printer's slips are sometimes rather grievous (he prints that word "grievous"). A few crudities, one fears, must be the author's—as the constant use of semicolon for colon before a quotation. He should learn, too, that the *en* of such names as that he prints "Schultzen" (p. 48) is only the old inflectional ending of the German oblique case, and that to print a German name with a middle initial, as "George S. Virling" (p. 33), is to give it a needlessly American look—the more so in this case as "George" should be "Georg" to match the unchanged German of adjoining names and as the man's name was really not even

Georg, but only Samuel. In his bibliography, too, nominatives might better have replaced the genitives and locatives of Latin and German names of author and place; and it could have done no harm to modernize the place-names. In general, however, he uses care; and, though there are many marks of haste, the book is a real and a substantial contribution to the history of superstition and of its overthrow. It belongs to the literature of entertainment as well.

G. L. B.

*Charles the Twelfth, King of Sweden.* Translated from the Manuscript of Carl Gustafson Klingspor. By John A. Gade. (Boston and New York, Houghton Mifflin Company, 1916, pp. xv, 371.) Hitherto Voltaire's *Charles XII.*, of unstated literary charm, and the late R. Nisbet Bain's useful sketch in the *Heroes of the Nations* series have been the only attempts to write, in a non-Scandinavian tongue, the stormy career of one of the most picturesque and striking figures in modern history. Now comes Mr. Gade. In the words of the publisher's announcement: "This account of the adventurous life and tragic death of Sweden's great King . . . makes a story of absorbing interest and one that has never before been adequately presented to English readers." The author, who has the advantage of a considerable linguistic equipment, particularly in Swedish, has, to some degree at least, fulfilled the above promise. He has certainly written an epic which grips the attention and warms the blood. However, the style, generally vivid and at times eloquent, is not altogether even; there are, especially in the earlier part of the book, passages which are too rapturous and overwrought. Moreover, the occasional lapses into the historical present and the plethora of trite figures of speech will irritate the fastidious.

The peculiar method adopted makes the work difficult to appraise in this *Review*; for Mr. Gade has assumed the rôle of translator of the contemporaneous manuscripts of one Carl Gustafson Klingspor, devoted follower and companion in arms of the king. While the "translator" provides an index and a very considerable bibliography, abounding in Scandinavian titles, his manner of writing, his soaring enthusiasm, and his penchant for dramatic effect suggest the historical novelist rather than the orthodox historical biographer. This may be illustrated by the following extracts:

And therefore I shall busy myself not only to tell the whole exact truth, but also to purge His Majesty's memory of every malevolent and belittling vilification which thoughtless or ignorant foreigners have sought to cast upon it. . . . God grant that what I write may spread the everlasting glory and honor of my late beloved Master (pp. 2, 3).

We are impressed with the chivalry, piety, high spirit, and courage of Charles, but are confirmed in the impression that he was a belated knight-errant, who wasted the blood and money of his country in futile exploits.

Those who, in spite of the grim realities of the present conflict, still yearn for a true tale of military adventure, in the main well told, will welcome this book; but it still leaves the way open for an exhaustive critical biography. The volume is handsomely bound and printed, while of errors there are comparatively few, though 1588 should be 1688 (p. 22).

A. L. C.

*The Eighteenth Century.* By Casimir Stryienski. Translated from the French by H. N. Dickinson. [The National History of France.] (New York, G. P. Putnam's Sons, 1916, pp. 345.) France in the eighteenth century is a great subject and the late M. Stryienski was counted among those who knew the subject best, but this book is a disappointment. As a piece of historical writing it is of a type not so popular now as in the boudoirs of half a century ago. The reader moves almost continuously in the atmosphere of the ante-chamber, among princes and princesses, dukes and duchesses, counts, cardinals, and abbés. The scant attention paid to anything besides court politics and intrigues hardly justifies the inclusion of the volume in a series called the *National History of France*. This does not mean that M. Stryienski has written an uninteresting book. He has sketched many of the personages of the century with a sure touch and a sense of proportion. The reader will be in no doubt about the selfishness and *insouciance* which perverted the career of Louis XV. The chapter on the Royal Family when the king's daughters were young is charming. But whenever the writer turns to the problems of society and government his comments are brief, often vague, if not misleading. For example, in reference to Turgot's abolition of the gilds, he remarks that "superficial observers" looked upon them "only as hindrances to commerce and industry, without understanding the profound reasons for which centuries of experience had imposed them on Western Europe". It is difficult to discern the light that the second of these criticisms throws upon the reforms. Again, apropos of the decrees freeing the grain-trade, the statement is made that the old obligation to sell grain solely in the markets "was only profitable to the middlemen and monopolists". It seems to have profited chiefly the local market officials. How middlemen and monopolists could make any special gains through the system is not clear. Furthermore, Necker's *Compte Rendu* is said to have "enabled the public to read in black and white the situation of the finances", although it transformed an ominous deficit into a handsome surplus. The narrow scope of the work is partly corrected by a separate chapter on the Arts, the Sciences, Literature, and the Salons.

H. E. B.

*Germany, 1815-1890.* By Sir Adolphus William Ward, F.B.A., Litt.D., Master of Peterhouse. Volume I., 1815-1852. (Cambridge, University Press, New York, G. P. Putnam's Sons, 1916, pp. xiv, 591.) A history of Germany since 1815 by J. W. Headlam was announced over



twenty years ago in the *Cambridge Historical Series*. The task of writing such a work has now been undertaken by Professor (now Sir) A. W. Ward. No one would question Dr. Ward's high qualifications, for few living English writers have given evidence of more versatile and exact scholarship than the Master of Peterhouse.

This volume on Germany from 1815 to 1852 is, however, a grievous disappointment. It is one of the most jejune handbooks ever produced by English writers, who furnish no mean competition in such compilations. The style is prolix and involved, loaded with details and unimportant names, broken by parentheses and totally unrelieved by emphasis. Inclusion by mere enumeration replaces discrimination and selection. The fourteen and a half double-column pages of index devoted chiefly to proper names, most of which are mentioned but once, give some faint idea of the confusion in the text. Of one hundred names taken in order from the index, the reviewer's impression fortified by reference to the text indicated that fifty per cent. might have been omitted to advantage.

The first two chapters undertake to say something of every German state and of every German statesman still alive in 1815. They read like a digest of the *Allgemeine Deutsche Biographie*. The whole 120 pages might have been omitted without loss or reduced to an introductory sketch in one-fourth the space. The remaining chapters may be used as a work of reference for political chronology. Twenty pages on the Zollverein make available the chief political facts in proper order. The great central events of 1848 are treated in such a way as to make a general view impossible and no faintest conception is given of the high hopes and real significance of this "spring-time of German nationalism".

The bibliography will be useful but is not above criticism. Some works listed have little or nothing to do with the period. Hintze's recent volume on Prussian history, Fischer's *Die Nation und der Bundestag*, Oncken's *Lassalle*, Goyau's *L'Allemagne Religieuse*, Matter's *Bismarck*, A. Schmidt's *Preussens Deutsche Politik*, Jessen's manual of the Schleswig-Holstein question, and the autobiographies of Mohl, Schurz, and Gustav Körner are omissions worth noting. Böhm, not Bohn, is the editor of *Fürst Bismarck als Redner*. Marwitz memoirs should be cited in the complete edition by Meusel. G. (not E.) Schmoller's essay on the Prussian tariff law of 1818 appeared in 1898 not in 1808. The translation of Seignobos is more often available than the French original and if such manuals are to be listed, those by Bulle, Andrews, Denis, and Hazen should certainly be included. The brief chapters in Helmolt are more useful for a brief account of Germany in the nineteenth century than those in some general histories cited.

A succeeding volume prepared in collaboration with Spenser Wilkinson will carry the account to the fall of Bismarck. Let us hope that it will not be burdened with so much of unnecessary historical impediments.

GUY STANTON FORD.

*Jewish Disabilities in the Balkan States: American Contributions toward their Removal, with particular Reference to the Congress of Berlin.* By Max J. Kohler and Simon Wolf. [Publications of the American Jewish Historical Society, no. 24.] (Philadelphia, the Society, 1916, pp. xi, 169.) This paper, amplified from the form of its original reading before the society and fortified by voluminous foot-notes, is valuable chiefly because of its compact summary of the legislation now existing in Rumania to the detriment of the Jewish population of that country; and, in consequence, thus formulating the terms of the problem which will arise when the present war in Europe is ended and further efforts are made to ameliorate the lot of the unhappy people whose well-being was the object of the labors which are here so sympathetically described.

The contributions of the United States to this problem have been almost continuous, beginning a full half-century ago with Mr. Seward's note to Turkey and ending, so far as official communications are concerned, with Mr. Hay's striking exposition of the practical arguments which enable this country to intervene in what a narrow construction would interpret as merely the internal concern of a foreign nation.

All of these efforts, however, as Mr. Kohler shows, were instigated by one or another of the organizations designed to further the political and other progress of the Jewish race; but it is none the less to the credit of American statesmen that the spirit of our diplomacy so readily and generously responded to the appeal. The recital is suggestive in view of the indicated conference which will be to this generation what the Congress of Berlin was to the period with which Mr. Kohler especially deals.

The personnel of that conference may not be forecasted. Its aims, however, are well known. While it will deal particularly with boundaries and will have a large regard for commerce, it cannot fail to scrutinize and to deal with the larger problems which are based on race and religion, which the Congress of Berlin touched only incidentally, and the failure to solve which at that time contributed, more than anything else, to bring on the present war in Europe. These problems, it is true, had to do with the differences between the various elements in the Orthodox Greek Church and with its rivalry with Catholicism—and they still remain. To them will now be added the problem of liberating the Jewish population of the Balkan Peninsula and of other parts of Europe—and for the solution of this problem Mr. Kohler has marshalled a line of impressive precedents which point the way for American influence to make itself felt beneficently.

GEORGE H. MOSES.

*The Balkan Wars, 1912-1913.* By Jacob Gould Schurman. Third edition. (Princeton, Princeton University Press, London, Humphrey Milford, Oxford University Press, 1916, pp. xl, 140.) In this compact

little volume we have, following a preface and an introduction of forty pages which discuss the part played by the Balkan Peninsula in the present European war, some thirty pages devoted to a sketchy treatment of the events leading up to the War of 1912, thirty pages on the war itself, and finally, some seventy pages on the second war, the War of 1913. This means a brief account, in fact, the briefest, the author aiming at nothing more than the laying down of the general lines of Balkan development with particular reference to the disastrous second war. The causes and consequences of this war (not its military course) form the climax of his presentation and the real *raison d'être* of his book. The main cause, as is well known, was Macedonia, and the Macedonian situation is set before our eyes, not only in the light of history and of the best available contemporary statistics, but also with the aid of personal observations made on the spot at the very height of the crisis of 1913. From the scholar's viewpoint the Macedonian section is the most important feature of the book, unless it be the few pages (35-48) conceded to the discussion of the policy of the Greek prime minister, Venizelos, just prior to his plunge into the War of 1912 on the side of Bulgaria and Serbia.

But a book, or rather an essay of this extreme conciseness, is not primarily concerned with conveying newly discovered information. His problem, as the author saw it, was to trace the stream of historic development so definitely and clearly that the grave present-day issues should outline themselves to the intelligent reader without more ado. This the writer has accomplished in pages uniformly distinguished by moderation, sympathy, and a total absence of that inhuman bias in favor of one or another of the Balkan nations, which throws its sinister shadow across almost every book dealing with this corner of the world. The present war, the author holds, was, in consequence of the resentments created by virtue of the treaty of Bucharest (1913), as good as inevitable and has unhappily reduced the whole group of the Balkan states to the rôle of mere pawns of the Great Powers (p. xxxv). He sees no escape from the dilemma of either a Germanic or a Russian control (pp. xii-xiii), but he hopes, with more benevolence than conviction, that the present European war "may put no unnecessary obstacle in the way of the normal political development of all the Balkan nations" (p. xxxviii).

FERDINAND SCHEVILL.

*Les Conditions de la Guerre Moderne.* Par Général Bonnal. (Paris, E. de Boccard, 1916, pp. 294). General Bonnal, whose name will be recognized by military students as an author of interesting books and as a former chief of the School of War in France, presents a collection of short articles on the war in Europe, not from the point of view of a participant but rather of an observer at a certain distance. The articles are short, discursive, and show many indications of having been hastily prepared for the daily newspapers, after the manner of military experts

who prepare daily and weekly summaries of events, principally based on the official bulletins. We will not therefore look here for the clearness of vision, the orderly statement, the accurate information, the valuable deductions from the "conditions of modern war" which only come after the events described. When all the facts are known, it is to be hoped that the distinguished author will find time, as he has done in previous wars, to continue his historical studies.

There is in fact more glorification of one side and passionate denunciation of the other side than is necessary for a curious search into the mysteries of military art, as now being developed in this world's great field of battle. Some of the language would not look well in English but the general line of thought is safely shown by the following. The Kaiser is almost always given an epithet such as "liar", "monster", "snob", "weak", "bighead", "degenerate". The Germans are "malingers", "abject slaves", "barbarians", "thieves", "pillagers", "vulgar", "enfeebled", "brainless", "vengeful", "machines", "industrials", "polluted", "vicious", "little civilized", "atrocious", "asleep in imperialistic folly", "crazy with Pan-Germanism", "only understanding the scourge", "like certain animals, only respect the blow", "square-heads", "sickly", "rapers", "sneaking".

On the other hand a warm admiration is expressed for his own comrades. "Men and officers throw themselves into each others' arms! In what other army will you find this brotherhood of the battle", "Incomparable dash", "warlike", "impregnated with heroism", "moral superiority", "tenacious", "will to conquer", "fine endurance", "glorious", "unequalled", "admirable". "The French soldier carries the loftiest warlike virtues that the world has ever known." "How like the French is this joyful waiting for the fight." The Russians are "good and brave". Albert is a "great" king. The Serbians had "superior combative value". Italy fights for "right and justice".

The victory of the battle of the Marne is defined by the author as "strategic rather than tactical", thereby opening the question as to the proper use of those terms.

EBEN SWIFT.

*Patriots in the Making: What America can learn from France and Germany.* By Jonathan French Scott, Ph.D., Instructor in History in the University of Michigan. (New York and London, D. Appleton and Company, 1916, pp. xv, 262.) The lesson here urged upon the United States is the need of more conscious and more systematic attention to the teaching of patriotism in the schools, especially those forms of patriotism which are directly related to military preparedness. For this conclusion the reader is prepared by a brief sketch of "national self-expression" in French education from the time of Louis XIV. to the present, an extended analysis of appeals to patriotism in school-books and school programmes of the Third Republic, and a somewhat superficial examination of similar

appeals in Germany. The conclusion is followed and emphasized by a special chapter on military training in Europe and by two appendixes of quotation relating respectively to "the military value of a psychology of patriotism" and "a day's work in the Swiss army". There are references to about eighty French text-books, including books on morals and civics, reading books, histories, and geographies. From these the author shows in the course of three chapters how, with the sanction of official programmes, a "psychology of defense" and loyalty to the republic have been molded, and how, without official sanction, hostility toward Germany has been inculcated. Some counteracting influences are recognized, among them scientific history and pacifism, and to these an additional chapter is devoted. The account of conditions in Germany (Prussia would be more descriptive) is crowded into a single chapter with references to school programmes, collections of school regulations, and about a dozen text-books, including reading books, geographies, and histories. It discloses highly organized and somewhat offensive effort to inculcate love of country, loyalty to the reigning house, pride of race, disparagement of Great Britain, dislike of France, and Pan-Germanism.

There are some errors, chiefly in the foot-notes, and some lapses in translation (for examples see references on pp. 36, 52, and 115 to Jost and Braeunig, *Lectures Pratiques*, Paris, 1899), but these are unimportant and do not impair the essential accuracy of any statement of fact. The general atmosphere of the book produces, however, an uncomfortable feeling of exaggeration. The difficulty of using isolated extracts with fairness to the spirit of the context seems to have been surmounted too easily. No distinction is drawn between the ideals of elementary instruction and those of secondary instruction. Most of the text-books mentioned are books used in the elementary school. This suggests that the patriotic motive, at least in France, may after all be less pervasive than the author seems to think. There is no hint of first-hand observation of actual teaching either in France or in Germany and little reference to French or German self-criticism of results. This invites a degree of caution perhaps greater than that displayed by the author in judging the vigor and success of school effort. But the main contention of the book that French and German experience in the making of patriots points a lesson of high importance to the United States is thoroughly established. The book is readable, and in its revelations of patriotism in the elementary school-books of France a contribution to American educational literature.

HENRY JOHNSON.

*American Patriots and Statesmen from Washington to Lincoln.*  
Edited by Albert Bushnell Hart, LL.D., Professor of the Science of Government, in Harvard University. In five volumes. [The Collier Classics.] (New York, P. F. Collier and Son, 1916, pp. 383, each volume.) The *Collier Classics* are to consist of a series of books in litera-

ture, science, history, and contemporary belles-lettres, under the general editorship of Professor W. A. Neilson. The series is to be supplementary to the *Harvard Classics*, of "five-foot shelf" fame. The present work, a set of five volumes, is described by the editor, Professor A. B. Hart, as an effort "to gather into one set a vital selection of American patriotic utterances". In a short foreword, President Eliot gives his answer to the question "What is an American?"

The "patriotic utterances" cover a wide range of time, subject-matter, and authorship, extending from a narrative of the Wineland Voyages, to a group of passages of writing by Abraham Lincoln or about him. But patriotism, however broadly interpreted—and Professor Hart's interpretation is neither partizan nor sectional—is an uncertain thread with which to bind together more than five hundred pieces of varied type, and opinions will differ as to the inclusiveness and emphasis which Professor Hart exhibits in making his choice. All will agree, however, that one topic—military preparedness—does stand out above all others, and is emphasized particularly by the titles employed by the editor. One wonders if this characteristic, however much it may accord with the feeling of the hour, will contribute to the permanent value of the work.

As to type, paper, and binding, the format of the work is satisfactory, but the proof-reading and, in some cases the editing, leave much to be desired. Misprints are frequent: *e. g.*, "Alexander" Hamilton for Andrew Hamilton (I. 195); "Barrett" for Bassett (I. 287); "me" for we (I. 343, line 20); "on" for of (II. 351, in the title of no. 22). In the introductory note in volume III., page 110, the word "gagging" is obviously an error; on the title-page of volume IV., the name of President Polk appears as James King Polk. In the table of contents, it is explained that poetical selections are to be denoted by an asterisk, but several of these are not so marked (I. 61; II. 255; III. 54). In some selections the old-fashioned long *s* is used; in others of the same period and style it is not employed. For the Mayflower Compact (I. 67) the old spelling is used, but without complete accuracy; and quite remarkably, there has crept in at the end a totally extraneous passage, apparently from the first charter of Virginia in 1606. In connection with the frontispiece of volume IV., it is stated that the picture is derived from a daguerreotype, "the only one known to have ever been taken of President Jackson". This statement is open to doubt.

ST. GEORGE L. SIOUSSAT.

*English Influence on the United States.* By W. Cunningham, D.D., F.B.A., Fellow of Trinity College, Cambridge. (New York, G. P. Putnam's Sons, Cambridge, University Press, 1916, xii, 168.) To appraise even approximately the contribution to American life of any particular national or racial group is a hazardous, though fascinating, adventure. We have had a flood of "filio-pietistic" literature from variously qualified Americans, each exalting the peculiar virtues of the stock to which



his ancestors happened to belong. This literature has given us some useful material; but, with rare exceptions, its *tendenz* has excited the suspicion of scientific historians. This particular book by an eminent authority on English economic history is quietly written and on the whole does not overstate the English element in American civilization. Indeed the most obvious elements in our English inheritance are touched very lightly, or not at all. There is nothing about language with all that it implies for the commerce of ideas, nor the common law, nor the representative institutions and legislative procedure which carry our thoughts back to the Mother of Parliaments. On the other hand, there are interesting chapters on such topics as town-planning, public buildings, and the "college course", containing curious and suggestive facts from the author's generous store of English antiquities.

Naturally enough the discussion of American developments indicates a more limited range of knowledge and less insight. Local government is considered in a chapter on the township; but the county is passed over and, in dealing with the American town, the author keeps his eye too closely on New England. There are some sweeping generalizations like the following: "The colonists failed to carry with them the English sense of public spirit." Here the English situation is idealized; to Americans, thinking, let us say, of town life in Massachusetts, or the contributions of Franklin to the municipal life of Philadelphia, the contrast will seem unjust.

In the chapters on Modern Social Problems and the Responsibilities of National Power and Influence, the author is impressed by American failure, so far, to reach the English standard, and his generalizations again seem insecure. For instance, a comparison of the tariff policies of the two countries since 1846, or of liquor legislation, might lessen somewhat the emphasis on American devotion to *laissez faire* ideals. Is it certain that when the conditions which in England produced the factory acts have become correspondingly serious in America, the response has been much slower here than there? What is said about England's "mission" has an important element of truth; but it is one-sided and does not wholly avoid that suggestion of superior national virtue which men of other nationalities find annoying and which often prevents just appreciation of really fine ideals of service. Dr. Cunningham is critical of American neutrality in the present war: "No nation can justify a claim to leadership in promoting the cause of humanity which is content to look on at the troubles of a neighbour as if they did not concern her." One wonders whether the comparative judgment of America here suggested would be confirmed by a dispassionate historian writing at some safely distant time and passing in review the conduct of the European powers in the past hundred years.

E. B. G.

*Some Cursory Remarks made by James Birket in his Voyage to North America, 1750-1751.* (New Haven, Yale University Press, 1916,

pp. vi, 74.) A stay of full seven months, travelling by slow and difficult methods over eleven hundred miles along the coast from New Hampshire to Maryland, visiting over thirty port towns, "baiting" at numerous taverns, meeting many and various people, many of them of importance, with whom he dined and talked, gave this merchant from Antigua among the Leeward Islands good opportunity to gather much information and many impressions of the land and people of the northern tide-water area on the eve of the last French war. Birket seems to have enjoyed sight-seeing, and with it he displayed an accurate and observing mind, a spirit of detachment, and an eye to the curious as well as the prosaic. The publication in neat form of his "cursory remarks" gives to the student of the period a profitable and valuable insight into colonial life.

Because of the mercantile bent of his mind, he is especially instructive on such matters as the quality and productions of the soil, industries, prices, the wharfage and warehousing facilities of the chief ports, the economic relations of the port towns to the surrounding country, inter-colonial and overseas trade. At Bristol he found many transient French merchants as well as considerable contraband trade in Dutch goods, and at Philadelphia the chief men "drove on a very large and Contraband Trade with the French". On the social side one finds interesting material about the lay-out of the towns, the character of the houses, the kind of lives people lead, the number of churches, the quality of taverns which range from "very good" to a "sorry house". One gets glimpses of Yale and Harvard. It is interesting to note how badly divided the Puritan church was into the New Light and Old, but, says Birket, "tis hard to say which sees best". The Church of England seemed to him "to gain Ground all over New England", and to be the "most fashionable religion" in New York "as well as in most other parts of North America". In dress he considered the "men and Women are too Expensive" in Boston, "very gay" in New York, and in Bristol the Quakers "not to be known by their Language dress or behaviour".

The recent publication of the records of eighteenth-century travelers in North America is much to be commended.

W. T. Root.

*The Commerce of Louisiana during the French Régime, 1699-1763.* By N. M. Miller Surrey, Ph.D. [Studies in History, Economics, and Public Law, Columbia University, vol. LXXI, no. 1, whole no. 167.] (New York, Longmans, Green, and Company, 1916, pp. 476.) The publication before us is a scientific study of economic conditions in Louisiana during the period 1699 to 1763. As such, it is gratifyingly concise, and gratifyingly complete. The sources drawn upon consist of contemporaneous manuscripts, contemporaneous printed material, and later publications containing source-material. Of these various sources the material in manuscript form—especially from the archives of the Min-

istry of Foreign Affairs, the library of the Arsenal, that of the Ministry of the Colonies, the archives of the latter ministry, the *Archives Nationales*, and the *Bibliothèque Nationale*—constitutes a very considerable proportion; nearly one-third, perhaps.

The chronological scope of the monograph, as its title discloses, is the period of the first French régime—sixty-four years. The topics treated are embraced under three main (implied) divisions: Means of Communication (waterways, highways), Means of Exchange (barter, credit, money), and Trade. Each such division is broken into appropriate subdivisions, the division Trade possessing in its sub-portions the greatest breadth, and hence the most interest. Here an admirable work has been done. Chapters XII. to XIV., which deal with trade between France and Louisiana, and chapter XV., which deals with slavery both as related to the native Indians and to negroes imported from Senegal, are fresh in information; while chapter XVII., on the trade of the Illinois Country, is no less so. Chapter XVIII., on New France in the Fur-Trade of the Mississippi Valley, and chapter XIX., on the Fur-Trade of Louisiana, abound in facts of the most useful kind. It should be added that chapters XX. to XXIV., dealing respectively with trade with the French West Indies, with Mexico, with New Mexico and Texas, with Florida, and with Cuba, cover ground but little broken by previous studies.

Besides its careful research—research full yet not redundant—Mrs. Surrey's monograph possesses style. In other words, it is good in its English and in its construction; and, being so, is readable; readable, that is to say, in the way a publication avowedly reference in character may and should be.

We have said that the monograph is gratifyingly complete. The sources used, however, are confined to those in the French and English tongues. Whether—so far as the economic relations of Louisiana with Mexico, New Mexico and Texas, Florida, and Cuba are concerned—an examination of Spanish sources would, for this early period, have yielded much of value, may be a question.

The volume possesses an excellent analytical table of contents, and a careful bibliography, but no index of any description.

IRVING B. RICHMAN.

*The Graves Papers and Other Documents relating to the Naval Operations of the Yorktown Campaign, July to October, 1781.* Edited by French Ensor Chadwick, Rear-Admiral, United States Navy. [Publications of the Naval History Society, vol. VII.] (New York, Naval History Society, 1916, pp. lxxviii, 268.) The inclusion in this volume of other material supplementing the Graves Papers makes the book a highly satisfactory and doubtless nearly complete documentary naval history of the Yorktown campaign. The Graves correspondence occupies considerably more than half of the 245 pages of documents. It begins March 13,

1780, about two months before the admiral's departure for America and ends May 4, 1782; he was then in the West Indies, having left North America soon after the abortive attempt to relieve Cornwallis in October, 1781. The other documents comprise extracts from log-books and journals both French and English, the former having only recently been unearthed in the French archives; also several letters of Rodney and Hood, most of them bringing out in the clearest manner the ill-feeling of these officers toward Graves. The latter makes a partial defense against the attacks of his critics in a letter of May 4, 1782, not, however, mentioning the battle of September 5, 1781. Possibly Graves's memorandum of September 6 (*Navy Records Society*, XXXV. 260) might advantageously have been included among the documents; it would perhaps have been a help in understanding the Graves side of the controversy which followed the battle. Graves was far from being a great commander; in failing to attack the French van at the outset he missed the opportunity of a lifetime. Nevertheless, he seems to have been trying to the best of his small ability to apply the new tactics, but was handicapped by his own incapacity and by lack of co-operation on the part of Hood and others.

Admiral Chadwick's introduction of sixty pages, much longer than that of any of the preceding volumes of the Naval History Society, discusses the question of tactics and signals and gives a very interesting account of naval life in the eighteenth century and conditions in the British navy, with a description of the ships and guns of the period. What is more important, however, especially for the general reader, is that it contains an admirably clear and succinct story of the whole participation in our Revolution of French forces, military and naval, as far as concerns operations in North America, beginning with the arrival of D'Estaing in 1778. The discussion of the movements and events leading up to the final concentration of all the fleets and armies about the Chesapeake and the narrative of the battle of September 5th, with the manoeuvres of the following days, are exceedingly interesting and instructive.

An appendix contains biographical sketches and an account of the battle by officers of the French fleet. Five illustrations, including portraits of Graves, De Grasse, and Hood, add to the value and interest of the book. The continental frigate *Trumbull* (p. 32, note) was not on her first cruise when captured in 1781; it will be recalled that she made a cruise in 1780, during which she fought a severe action with the British ship *Watt*. The name Hood occurs on pages xlix and lxxvii where Howe seems to be intended.

G. W. ALLEN.

*A Brief History of Panics and their Periodical Occurrence in the United States.* By Clement Juglar, Member of the Institute. Third edition, translated and edited with an introduction and brought down

from 1889 to date by DeCourcy W. Thom. (New York, G. P. Putnam's Sons, 1916, pp. 189.) In 1893 Mr. Thom published a translation or, rather, an adaptation of that part of M. Juglar's *Des Crises Commerciales* which deals with the experience of the United States. He added an introduction in which he presented in brief form for the benefit of American readers Juglar's theory of panics, *viz.*, that the panic is a stoppage of the rise in prices and is due to (1) rapid changes in note circulation, (2) rapid shrinkage of credit, (3) the locking up of capital in useless enterprises. To this list of causes Mr. Thom added a fourth, and "the most important cause", general changes in our tariff laws. The French version which ended with 1889 was supplemented by a discussion of events from 1890 to 1893.

In the present edition Mr. Thom brings the narrative down to date and adds to the numerous tables in his own introduction statistics for recent years. In spite of the fact that the earlier translation contains misprints and errors of statement, it appears to have been reprinted without change. Likewise, Mr. Thom's original introduction remains untouched, although a large part of it is given over to a discussion of tables which have been brought down to date. It is needless to remark that the result is incongruous. M. Juglar's record of American experience with panics undoubtedly suffered by its segregation from the rest of his discussion. Standing apart, it only emphasizes the fragmentary character of the treatment of our financial history as well as the author's general unfamiliarity with American conditions. The author's thesis that a commercial panic is always a financial panic leads him to treat our whole experience from the banking standpoint and thus to ignore equally important commercial and industrial factors. Mr. Thom has added little of value to the original work, either in his introduction or his portrayal of events subsequent to 1889. His contention that every important change in the tariff, save that of 1846, has caused a panic is based largely upon what are considered to be nothing more than some striking coincidences. The portion of the historical matter contributed by Mr. Thom shows a much more intimate understanding of American conditions, but the treatment is so scrappy as to be of little value either to the casual reader or to the serious student of our financial history. Some important events are dismissed with a mere allusion, while numerous minor details are given undue emphasis. In so far, however, as one is interested in obtaining the personal point of view of a veteran stock-broker with reference to recent financial developments, the new matter in the present edition is well worth reading.

G. W. DOWRIE.

*The Life of John A. Rawlins, Lawyer, Assistant Adjutant-General, Chief of Staff, Major General of Volunteers, and Secretary of War.* By James Harrison Wilson, Major General, U. S. A. (New York, Neale Publishing Company, 1916, pp. 514.) Gen. James Harrison Wil-

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son adds another to his list of brilliant and instructive works on the Civil War period, in which he played a brilliant part and of which he is almost the last important living witness. This time he gives us the life of John A. Rawlins, who was the close companion of Grant during the most eventful period of his career.

To those who feel that it is best to idealize the characters of our great men the book may be considered of almost too frank a nature. They will say that flaws in character are given undue prominence because of that fact alone, and that the greatness of results should be the test of character.

Although we may doubt if the most careful investigation of Grant's habits has proved that he would have performed his duty differently if he had been the most abstemious man in the world, it is unquestionable that there was a widespread distrust of him which came near accomplishing his ruin. It is clear also that this clamor of criticism was not taken by Grant as seriously as it should have been taken and did not impress him with the necessity of being above suspicion. Again there are ample facts to prove that Grant was of too simple and unsuspicious a nature to cope with men of lower type; and this also often worked to his disadvantage. Under these circumstances it was fortunate indeed that Rawlins seems to have been selected by some strange fate to stand at the elbow of Grant during all the critical days of his career. To this self-appointed task Rawlins gave all the energy of his soul, perhaps his life, and the author has done well in the performance of his promise to do justice to the memory of his friend. Napoleon had his Berthier, Blücher had his Gneisenau, Ney had his Jomini, and William had his Bismarck, Moltke, and Roon. Rawlins's relation to Grant was different from any of these, but none the less important and deserving its place in history.

That Rawlins like his chief was far from infallible, however, is shown by his changing estimate of men with whom he came in contact. Moreover the army may never agree with his ideas of the conduct of the War Department, in practically eliminating the general of the army, and exalting the power of the bureaus.

EBEN SWIFT.

*A History of Banking and Currency in Ohio before the Civil War.* By Charles Clifford Huntington, Ph.D., Professor of Economics and Sociology in the Ohio State University. [Ohio Archaeological and Historical Publications.] (Columbus, F. J. Heer Printing Company, 1915, pp. 312.) In the history of banking in Ohio previous to the Civil War two periods are distinguishable, the first extending from 1803 to 1843 and the second from 1843 to 1863. In the first of these the course of events closely paralleled that of the history of banking in the other states and is characterized by Mr. Huntington as the ante-inflation period, 1803-1814, the inflation period, 1815-1817, the crisis of 1818-1819, the



period of depression and recovery, 1820-1830, the second period of expansion, 1831-1836, and the panic of 1837 and the resulting depression. During this entire period the note-issues of the banks were protected by their general assets and at the close of the period their numbers and resources were reduced to very low figures.

The second was a period of reform measures, characterized by the passage of a general banking law, February 24, 1845, which provided for the establishment of the State Bank of Ohio and for so-called independent banks and by the adoption of a new constitution and the passage of a free banking law in 1851. During this period note-issues were protected in some of the banks by deposits of bonds and in others by a safety fund.

The author's treatment of the first of these periods is more satisfactory than that of the second but in neither has he achieved marked success in the attainment of one of the objects he had in view, namely, the tracing of the relations between the development of banking and "the general economic and political history of the state". He has juxtaposed a number of interesting facts from each of these fields but his analysis and interpretation of these leave much to be desired. In the judgment of the reviewer he would have accomplished more had he investigated and analyzed the business methods of each period and attempted to discover precisely the rôle the banks played, keeping quite distinct in his analysis the need for hand-to-hand money and the need for capital. He constantly confuses these, with unfortunate results both to himself and to the reader.

The author has also been guilty of loose writing and careless proof-reading. Examples of the former may be found on pages 47, 72, 85, 104, 214, 221, 222, and 236, and of the latter on pages 82, 91, 97, 101, 106, 186, 191, 202, 205, 220, 222, 225, 227, and 231.

WM. A. SCOTT.

*The New Purchase, or Seven and a Half Years in the Far West.* By Robert Carlton, Esq. (Baynard Rush Hall). [Indiana Centennial Edition, edited by James Albert Woodburn.] (Princeton, Princeton University Press, 1916, pp. xxxii, 522.) "The New Purchase" was the name applied for many years to the central quarter, more or less, of Indiana, bought from the Indians in 1818 in the treaties of St. Mary's. This book, pseudonymous throughout, describes experiences in a westward journey and a residence of some ten years (1822-1832) near Gosport and in Bloomington, Indiana. The author, Baynard R. Hall, was the first principal of the state seminary and taught in Indiana College (later Indiana University), which grew out of it. He purposely distorts chronology and gives free rein to personal animosities, especially in his caricature of President Wylie as Dr. Bloduplex, but his work is invaluable for its local color and its sympathetic description of manners and customs.

The first edition, in two volumes, appeared in 1843; a second, in one volume and omitting about 130 pages (chiefly Bloduplex matter), was arranged by Hall in 1855. Both have long been out of print. Professor Woodburn and the Princeton University Press have put not only Indians but all others interested in the Old Northwest under obligations by this handsome new edition.

The editorial work, however, scarcely comes up to Professor Woodburn's usual standard. Several passages are rendered unintelligible (p. xix, line 17, p. 4, lines 15-16); words are exchanged ("ginseng" for ginsling, p. 16, line 6; "boarding" for bordering, p. 182, line 34; "no" for up, p. 257, line 12); disguised ("quater" for greater, p. 406, line 5); inserted ("wild", p. 87, line 26); or omitted ("I", p. 6, line 35; "end", p. 99, line 2 from bottom; "so", p. 199, line 17; "they", p. 311, line 24). The large number of such mistakes is especially annoying in a reprint. The editor's notes are not distinguished as they should be from the author's. Some unnecessary notes are given (pp. 178, 233, 433, 501), while many obscure terms are not explained ("fip-penny bit", p. 214, "horse sorrel pies", p. 375). "Limestone" (p. 48) is editorially called "probably Louisville", though the author himself identifies it with Maysville, thus showing that he combines in his narrative his earlier trip to Kentucky for his bride with his later journey to Indiana. There is no index and no list of illustrations. The paging of the original edition should have been given in the margin for purposes of citation and verification. The editor's key to the characters in the book is carefully worked out and adds materially to the value of the edition. The map, portraits, and reprints of views are also of interest.

*The Rise of Ecclesiastical Control in Quebec.* By Walter Alexander Riddell, Ph.D. [Studies in History, Economics, and Public Law, edited by the Faculty of Political Science of Columbia University, vol. LXXIV., no. 1.] (New York, Columbia University, 1916, pp. 195.) Stated in his own words, here is the proposition which the writer of this monograph undertakes to prove:

The golden age of the Roman Catholic church in Quebec is to-day generally believed to have been during the French régime. That this is not warranted by the facts of history is shown by a comparison of the status of the church in the two periods, French and British. It was not until after the conquest by Great Britain in 1759, that the Roman Catholic church in Quebec received that legal status which is responsible for giving to it a control without parallel among the other Roman Catholic churches of the world (p. 131).

Historians have in a general way recognized that Quebec Catholicism owes more to the new régime than to the old, but the point has not hitherto been brought out so clearly or supported by so much evidence as in this study. Dr. Riddell has no great difficulty in establishing his main thesis, but like too many writers of doctoral dissertations he feels impelled to take such a long running start that half his book is finished before he reaches the first hurdle.

To begin with, there is a chapter on demographic features as affecting the homogeneity of the population in New France. In this there is nothing new save the attempt to refute the commonly accepted claim that Normandy furnished the lion's share of the settlers who came to Canada before 1759. On this point the author makes out a good case; he has examined the marriage registers in more than eighteen hundred cases and finds that the colonists, so far as these records give indication, came with a fair degree of evenness from all over France. This is data which the historian of the future cannot afford to overlook. Then there is a discussion of the social and moral solidarity of the colony under French rule, chiefly a reiteration of what every student of French-Canadian history has always known, namely, that the people spoke the same language, gave allegiance to the same church, and went to the same schools when there were any. Extracts from various official memoirs and from contemporary printed sources are strung together without much co-ordination, and when Dr. Riddell presents conclusions from his material they are usually of the sociological sort, as for example his assurance that the French colonists "were largely of the ideo-emotional type of mind and less dogmatic-emotional than their descendants of to-day" (p. 69).

The real service of the book is performed in the last two chapters, where there is more attention to history and less to sociology. The early rise of church influence in the affairs of New France and its later decline during the first half of the eighteenth century are traced out with care and clearness. The position of the Church when Quebec passed into British hands, the attitude and policy of the new suzerains, the great increase in power which the hierarchy gained by the Quebec Act, and the chain of events which finally put the Catholic Church in this province on the firm rock of constitutional privilege—all these things are explained fully and with judicious temper.

While Dr. Riddell has used good materials, the tendency to be inaccurate in little things is a serious blemish. A writer who refers to the first seigneur of Beauport as "one Giffard" (p. 26), and to Laval's great teacher at Caen as "one Berniers" (p. 77) throws suspicions upon the extent of his own historical background. The term "Sovereign Council" (p. 117) ought not to be used after 1703, and the expression "gentilshommes de compagnie" (p. 51) is an obvious mistranscription for "gentilshommes de campagne". Readers of a critical turn, moreover, will not like the way in which the author spells many of his proper names, Saint-Valier (pp. 122-123), for instance, or Latterrière (p. 50), or Loreau (p. 194).

WILLIAM BENNETT MUNRO.

## COMMUNICATION

TO THE MANAGING EDITOR OF THE *American Historical Review*:

Dear Sir:

PROFESSOR FLING's review (XXII. 133-135) of the three papers on the *Origin and Treatment of Discrepancy in Trustworthy Records* and on *Fundamental Processes in Historical Science* (I. and II.), published by the Royal Society of Canada, is open to reasonable objection in details and in general. Thus he says (p. 133);

The "orthodox" method attempts to harmonize discrepancies in a record. In his first study Dr. Bowman proves from an examination of twenty-six cases, that "where the circumstances of the discrepancy are unknown", an attempt to harmonize them "is a mere groping in the dark" and "the scientific requirement in such cases is silence concerning the point in contradiction". Why silence?

The inference which any reader must draw from the above is that the author based his conclusions on an examination of twenty-six cases of discrepancy found in records. On the contrary he gathered from actual intercourse twenty-six typical cases in which statements that were conflicting were yet true; and when the harmonization of these statements was tested under assumed conditions corresponding exactly to those under which the harmonization of conflicting statements is attempted in records, the results were found to be in every instance and in every respect untruthful. The number of such results in similar cases can be extended *ad infinitum*; therefore these attempted harmonizations in records are shown experimentally to be worthless, and silence, as the only alternative, ought to be observed.

The general objection to Professor Fling's review is that it does not give "a clear and comprehensive notion of the contents" of the papers. This is required in the directions sent to every reviewer of a book for the *Review*; and without it, in this case, further discussion by the reviewer whether by way of dissent or approval must be, as Professor Fling's review actually is, unintelligible to the reader.

The distinctive feature of these papers as a whole is an effort to submit history to the general and ordinary tests of science. Other sciences use fundamentally a correct process or correct processes, *i. e.*, a process which, if there be no deviation by the operator from its own requirements, must give a correct result. The clearest instances of such processes are in mathematics. What would be said, *e. g.*, if it were possible for an operator in adding a column to observe all the requirements of the process of addition correctly and yet get an incorrect result? But this is exactly what occurs with the fundamental processes in the pre-

vailing historical method. All the requirements of the process of harmonizing discrepancies in records and of the other processes by which historians reach their conclusions on the basis of probability in general may be fulfilled to the letter, and yet the results produced by them are experimentally and accurately shown in the first and third of the above papers to be chronically wrong. In the second, five fundamental and scientifically correct processes are located, *i. e.*, five requisites of trustworthiness in individuals are located experimentally, and the ground is taken that the exemplification of these requisites as continually detected in the spoken utterance of men can also be detected in their written utterances or records. The tracing of their exemplification in records constitutes the fundamental correct process or processes of historical science because, if the tracing of this exemplification be correctly done, the historian must get a correct result.

Professor Fling, in his concluding paragraphs, says: "Because the prevailing method insists that the best kind of a source is the record of an eye-witness, Dr. Bowman insists that it makes 'contemporaneity' the chief test of trustworthiness and ignores all others". A natural conclusion will be that I insist on drawing this conclusion specifically on the ground given. But this is not the case. I noted that Professor Fling rates Aeschylus's *Persians* as a more valuable account of Salamis than that of Herodotus because the poet wrote seven years, and the historian fifty years after the event (*i. e.*, a theatrical play of 1870 would be a better authority for occurrences in the Civil War than an historian writing to-day); and I drew attention to the fact that Bernheim after retorting contemptuously to Lorenz, "Every half-way sensible historian recognizes contemporaneity as only one of many things to be considered", failed himself to bring forward these "many other things" and instead in his treatment of trustworthiness he laid not only much stress, but much the most stress, on contemporaneity. What indeed are the other things and "all the other tests" for determining the trustworthiness of statements in authentic or genuine records? Seignobos, a fundamentally scientific writer who declares the attempted harmonization of discrepancies to be "contrary to the scientific spirit" and dismisses contemporaneity as a "superficial test", began the answer to this question. After noting rightly that the initial attitude toward even an authentic record should be systematic doubt, he analyses two major series of ten reasons for doubting the sincerity and accuracy of such a record's statements and a minor series of three reasons which render untruthfulness and error in such statements improbable. But why stop at these negative or semi-negative tests? Why not go further and locate the positive reasons for accepting the sincerity, accuracy, and truthfulness of statements in genuine records? It is these positive tests and the principles governing their application that the above papers seek to locate experimentally under the name of requisites of trustworthiness.

H. M. BOWMAN.

## HISTORICAL NEWS

### AMERICAN HISTORICAL ASSOCIATION

Plans for the thirty-third annual meeting of the Association, to be held in Philadelphia probably on the dates December 27-29, are well in hand and there is every reason to believe that the coming meeting will be one of the most interesting and agreeable in the history of the Association. The American Political Science Association and the Archaeological Institute of America have decided to hold their meetings at the same time and place. It is expected that the American Society of Church History, which has not met with the Association for many years, will join with it in the Philadelphia meetings. It will probably be possible to publish a forecast of the programme in the July issue of the *Review*.

Volume I. of the *Annual Report* of the American Historical Association for 1914, after a long and unfortunate delay, is at last off the press and is being distributed by the Superintendent of Public Documents. Volume II. will contain the cumulative index to the *Papers and Reports* of the Association from 1885 to 1914 and will probably be published during the early part of 1918. The *Annual Report* for 1915, in one volume, is well advanced in the process of going through the press and it is hoped that it will be possible to distribute it in June. The committee on publications is making every effort to publish the *Annual Report* for 1916 before the next annual meeting.

The papers presented at the Panama-Pacific Historical Congress, 1915, have been gathered by Professors H. Morse Stephens and Herbert E. Bolton into a volume entitled *The Pacific Ocean in History* (Macmillan). The initial paper, by Professor Stephens, the Conflict of European Nations in the Pacific Ocean, is followed by contributions from Rafael Altamira, Theodore Roosevelt, James A. Robertson, David P. Barrows, K. Asakawa, Joseph Schafer, Aurelio M. Espinosa, Frank A. Golder, and others.

*The Leveller Movement*, by Theodore C. Pease, of the University of Illinois, to which was awarded the Herbert Baxter Adams prize in 1915, has now been published and may be obtained from the secretary. The new volume differs materially as to format, type, and paper from its predecessors in this series of *Prize Essays*.

Owing to the length of time it has taken to make the necessary arrangements for the publication of the "Quarterly Bulletin" of the Association, reference to which is made elsewhere in this issue, it has proved impossible to publish the first number as early as had been

planned. The first number will, however, appear during the month of April and the second number, which will contain the directory of the Association, will probably be issued in May or June.

The committee to consider the advisability of establishing an American Review of European History, or of providing enlarged opportunities in some form for the publication in this country of articles on European history, which was provided for at a conference on the subject at the Cincinnati meeting of the Association, has been constituted as follows: Professor Dana C. Munro, chairman, and Professors J. T. Shotwell, W. E. Lingelbach, W. S. Ferguson, and E. R. Turner. The members of the committee will be glad to receive suggestions or expressions of opinion which those who are interested in the proposed plan may care to send them.

In accordance with the new arrangements respecting the conference of historical societies adopted at the annual meeting of the Association in Cincinnati, December 28, 1916, Mr. A. H. Shearer, secretary of the conference, has prepared and sent to the several societies a brief account of the thirteenth annual conference, together with a résumé of the reports of historical societies for the year 1915.

#### PERSONAL

Mgr. Paul Allard, who died some weeks ago at the age of seventy-five years, was the author of *Les Esclaves Chrétiens depuis les Premiers Temps de l'Eglise jusqu'à la Fin de la Domination Romaine en Occident* (1876); *L'Art Païen sous les Empereurs Chrétiens* (1879); *Histoire des Persécutions du I<sup>er</sup> au IV<sup>e</sup> Siècle* (5 vols., 1885-1890); *Le Christianisme et l'Empire Romain de Néron à Théodose* (1897); *Julien l'Apostat* (1900-1903; third ed., 3 vols., 1906); *Saint Basile*; and *Saint Sidoine Apollinaire*. He was also a frequent contributor to the *Revue des Questions Historiques* and other reviews. He was not a trained historian, but his works were scholarly in character, though strongly marked by his religious sympathies and convictions.

Count Carlo Cipolla, professor in the University of Turin, died November 23, 1916, aged sixty-two years. He was the author of several monographs and the editor of numerous volumes of documents relating to Italian history in the Middle Ages, especially to the history of his native city, Verona.

Dr. Maude A. Huttman has been promoted to be an associate professor of history at Barnard College.

Professor J. F. Baldwin of Vassar College has leave of absence for the second half of the present academic year, during which he expects to complete a volume of *Select Cases before the King's Council*, to be published by the Selden Society.

Professor George M. Dutcher of Wesleyan University and Professor



Frederic L. Paxson of the University of Wisconsin will offer courses in the summer session of the University of Pennsylvania.

Professor William E. Lunt of Cornell University has been elected to the new chair of English constitutional history at Haverford College.

Professor Carl Becker of the University of Minnesota has accepted an invitation to become a professor of history in Cornell University, succeeding to the chair made vacant nearly three years ago by the death of Professor R. C. H. Catterall.

At the University of California, Professor Herbert E. Bolton has become curator of the Bancroft Library, in place of Professor Frederick J. Teggart, who has resigned this curatorship but remains associate professor of history in the university, giving courses in theory, bibliography, and historical geography.

#### GENERAL

It is again necessary to report that no materials have been received from Germany and Austria, while the amount of materials received from the other European countries is the smallest in any quarter since the beginning of the war. Notes of a number of German publications are derived from Swiss and French journals.

*A History of Ornament, Ancient and Medieval*, by Professor A. D. F. Hamlin of Columbia University (Century Company, pp. 430) traces the origins and developments of decorative design from prehistoric times to the close of the Middle Ages. There are 430 illustrations.

Sir Charles Stanford and Cecil Forsyth are joint-authors of a *History of Music* published by the Macmillan Company, which discusses such topics as the origins of music, its development in antiquity, in the Dark Ages, and in the period following, folk-songs, and nationalism in modern music.

The January number of the *Journal of Negro History* (no. 1 of vol. II.) contains as its leading article a study of Slavery and the Slave-Trade in Africa, by Professor Jerome Dowd, of the University of Oklahoma, largely concerned with the trade of the Sudan, the Sahara, and northwest Africa at the close of the eighteenth and throughout the nineteenth century. Mr. H. E. Baker, assistant examiner, United States Patent Office, contributes an article on the Negro in the Field of Invention; Mrs. Alice Dunbar-Nelson continues her study of People of Color in Louisiana, and the editor, Dr. C. G. Woodson, adds interest to the Letters of Benezet published in the section of "Documents" by an excellent account of Benezet's life.

The pages of the January number of the *History Teacher's Magazine* are occupied in large part with the text of the report by a committee of the National Education Association on the Social Studies in Secondary Education. The report was issued in November by the United States

Bureau of Education as *Bulletin no. 28*, 1916. Under the title Historical Geography in College Classes the editor of the *Magazine* has presented a number of map studies, suggestive of a mode of treatment of historical geography. The February number includes War and Peace in the Light of History, by C. C. Eckhardt; Values of History Instruction, being a report of a committee of the Northwestern Association of History, Government, and Economics Teachers; Pictorial Documents as illustrating American History, by Frank Weitenkampf; and Some Aspects of Supervised Study in History, by R. D. Armstrong. The contents of the March number include: Laboratory Methods of Teaching Contemporary History at Columbia University, by P. T. Moon; Changing Emphasis in European History in the High Schools of California, by Geroid Robinson; Newark's 250th Anniversary Celebration: its Historic Features, by D. C. Knowlton; and the Relation of the History Curriculum to Vocational Training in the High Schools, by W. P. Shortridge.

Among the books of present interest on international topics is Ramsay Muir's *Nationalism and Internationalism* (Constable), which traces the development of the idea of nationality, and the failures of those who aspired to create world-states.

Noteworthy articles in periodicals: G. A. Cribbs, *The High School History Course since 1890* (Educational Review, March); A. C. Klebs, *Desiderata in the Cataloguing of Incunabula: with a Guide for Catalogue Entries* (Bibliographical Society of America, Papers, X. 3, July); Ellen C. Semple, *Pirate Coasts of the Mediterranean Sea* (Geographical Review, August, 1916); Anonymous, *Il Sacro Ordine Domenicano nel suo VII<sup>o</sup> Centenario, 1216-1916* (La Civiltà Cattolica, December 16).

#### ANCIENT HISTORY

General review: G. Glotz, *Histoire Grecque, 1911-1914*, V. (Revue Historique, November).

The *Greek House*, by Bertha C. Rider (Cambridge University Press), treats of the development of the Greek house from the neolithic period to the Hellenistic Age.

Mr. A. A. Trever is the author of a doctoral dissertation entitled *A History of Greek Economic Thought* (University of Chicago Press).

The Marshall Jones Company of Boston has begun a co-operative series, *The Mythology of all the Races*, in thirteen volumes. The first volume, dealing with Greek and Roman mythology, is the work of Professor W. S. Fox, of Princeton University. Other volumes which have already appeared are those on Indo-Iranian mythology, by A. Berriedale Keith and Albert J. Carnoy; on Oceanic mythology, by R. Burrage Dixon, and on that of North America (mythology of the Indians north of Mexico) by Hartley B. Alexander.

Part XII. of the *Oxyrhynchus Papyri*, ed. Grenfell and Hunt (Egypt Exploration Fund, 1916, pp. 368) contains official and private documents, most of which illustrate the period from Septimius Severus to Constantine. The rest belong to the earlier period of the Roman domination in Egypt. Part XIII., which is in preparation, will contain literary pieces, including a fragment of book III. of Herodotus.

In his second volume of *Ricerche sulla Storia e sul Diritto Pubblico di Roma* (Rome, Loescher, 1916, pp. 448), Professor E. Pais deals with the consular Fasti.

Noteworthy articles in periodicals: G. S. Duncan, *The Art of the Sumerians* (Art and Archaeology, February); A. H. Sayce, *The Cuneiform Tablets of Cappadocia* (*ibid.*); A. T. Clay, *The Art of the Akkadians* (*ibid.*); P. Cruveilhier, *De l'Interprétation Historique des Événements de la Vie Familiale du Prophète Osée* (Revue Biblique, July); A. H. Smith, *Lord Elgin and his Collection* (Journal of Hellenic Studies, XXXVI. 2); H. Welschinger, *Démosthène et les Athéniens* (Compte Rendu de l'Académie des Sciences Morales et Politiques, September); Ellsworth Huntington, *Climatic Change and Agricultural Exhaustion as Elements in the Fall of Rome* (Quarterly Journal of Economics, February).

#### EARLY CHURCH HISTORY

*The So-called Egyptian Church Order and Derived Documents* (Cambridge, University Press, 1916, pp. xiv, 197), by R. Hugh Connolly, is the eighth volume of *Texts and Studies: Contributions to Biblical and Patristic Literature*. The volume contains the text with an elaborate commentary and discussion by the editor, who holds that this document is older than the *Apostolic Constitutions* and the *Canons* of Hippolytus and is the main source of all the church orders, and is, moreover, the work of Hippolytus.

Among recent studies on St. Augustine and his influence are E. Troeltsch, *Augustin, die Christliche Antike und das Mittelalter, im Anschluss an die Schrift "De Civitate Dei"* (Munich, Oldenbourg, 1915, pp. xii, 173), and P. Gerosa, *Sant' Agostino e la Decadenza dell' Impero Romano* (Turin, Lib. Internazionale, 1916, pp. 144).

#### MEDIEVAL HISTORY

A. Fliche has chapters on Leo IX., Peter Damian, and Cardinal Humbert, and on several other topics in *Études sur la Polémique Religieuse à l'Époque de Grégoire VII., les Prégrégoriens* (Paris, Société Française d'Imprimerie et de Librairie, 1916).

Essays on Renaud de Chatillon, Pierre de Lusignan, the Turkish siege of Constantinople, and other subjects are collected in *Récits de Byzance et des Croisades* (Paris, 1916) by the late G. Schlumberger, from whose pen has also been published *Un Empereur de Byzance à Paris et à Londres* (Paris, Plon, 1916, pp. 63).

Noteworthy article in periodical: H. Vander Linden, *Les Normands à Louvain, 884-892* (Revue Historique, January).

#### MODERN EUROPEAN HISTORY

General review: G. M. Dutcher, *Le Développement et les Tendances Actuelles des Études Napoléoniennes* (Revue des Études Napoléoniennes, January).

Dr. A. C. Klebs of Washington, D. C., is the author of several studies interesting to the students of the history of medicine. The first of these, *Iconographic Notes on Girolamo Fracastoro*, read before the Medical and Chirurgical Faculty of Maryland, Baltimore, June 16, 1915, was printed in the *Johns Hopkins Hospital Bulletin*, vol. XXVI., no. 297 (November, 1915). *Leonardo Da Vinci and his Anatomical Studies*, read before the Society of Medical History of Chicago, October, 1915, was printed in their *Bulletin* (January, 1916, pp. 66-83); and *Leonardo Da Vinci, 1452-1519: his Scientific Research, with particular Reference to his Investigations of the Vascular System*, read before the Harvard Medical Historical Club, February 1, 1916, was printed in the *Boston Medical and Surgical Journal*, July 6, 13, 1916. All these constitute a substantial contribution to the history of the scientific development of the fifteenth century.

Mr. John Horsch, author of a recent life of Menno Simons, has published a comprehensive study of *Infant Baptism: its Origin among Protestants and the Arguments advanced for and against it* (privately printed, Scottdale, Pa., pp. 157), discussing the teachings of Luther, Zwingli, Calvin, Wesley, and others on this subject. The study is part of a history of the Anabaptists which Mr. Horsch has in preparation.

The David A. Wells prize for 1916-1917 has been awarded to Dr. C. H. Haring of Yale University, for an essay on "Trade and Navigation between Spain and the Indies".

Friedrich Naumann has followed his well-known volume on *Mittel-europa* (Berlin, Reimer, 1915) with *Bulgarien und Mitteleuropa* (*ibid.*, 1916). Professor R. Charnatz is the author of *Bruck, der Vorkämpfer Mitteleuropas* (Leipzig, Hirzel, 1916). It will be remembered that Bruck was the Austrian minister of commerce and public works who endeavored in 1849 and 1850 to secure the inclusion of Austria in the Zollverein. His ideas were embodied in two memoirs published in those years.

In the series of *Histories of the Belligerents* (Oxford University Press) four new volumes have appeared: *Italy: a History from Medieval to Modern Times*, the joint work of E. Jamison, C. M. Ady, D. Vernon, and C. S. Terry; *Russia: a History down to Modern Times*, by C. R. Beazley, Nevill Forbes, and G. A. Birkett; *Japan: the Rise of a Modern Power*, by R. P. Porter; and *Portugal*, by George Young.

Noteworthy articles in periodicals: Malcolm Letts, *Johannes Butzbach, a Wandering Scholar of the Fifteenth Century* (English Historical Review, January); Madame Inna Lubimenko, *Letters illustrating the Relations of England and Russia* (*ibid.*); F. G. Del Valle, *La Compañía de Jesús y el Voto de Pobreza* (Cuba Contemporánea, January); Irving Babbitt, *The Political Influence of Rousseau* (Nation, January 18); A. Mansuy, *Les Campagnes d'Italie et la Première Légion Polonaise, 1796-7 Avril 1797* (La Révolution Française, September, November); C. Besnier, *Les Guerres de Napoléon et la Guerre Actuelle* (Revue des Études Napoléoniennes, November); Saint-Mathurin, *Le Culte de Napoléon en Allemagne de 1815 à 1848* (*ibid.*, January); A. Chuquet, *Les Prussiens et le Musée du Louvre en 1815* (Revue des Sciences Politiques, October); G. Salvemini, *La Triple Alliance*, I.-IV. (Revue des Nations Latines, July, August, October, January); E. Laloy, *Guillaume II. et l'Alliance Anglo-Japonaise* (Mercure de France, January 16); E. Hautmant, *Les Allemands en Russie* (Revue de Paris, January 15); Charles Seymour, *The Alleged Isolation of Germany* (Yale Review, April).

#### THE GREAT WAR

General reviews: G. Gailly, *Les Écrivains au Front et les Écrivains du Front* (Revue des Nations Latines, December); A. Pingaud, *La Guerre vue par les Combattants Allemands* (Revue des Deux Mondes, November 1, December 1); G. W., *Littérature de Guerre Allemande* (Revue des Sciences Politiques, October); G. Borgatta, *La Guerra e l'Economia* (La Riforma Sociale, November).

The January and February *Bulletins* of the New York Public Library contain a list of books on the European War recently added to the library.

The latest issues of the several French efforts to furnish serial histories of the war are: L. Cornet, *1914-1915, Histoire de la Guerre* (vol. II., to close of 1914, Paris, Charles-Lavauzelle, 1916, pp. 345); Gabriel Hanotaux, *Histoire Illustrée de la Guerre de 1914* (part 53, Paris, Édition Française Illustrée, 1916); Jean-Bernard, *Histoire Générale et Anecdotique de la Guerre* (12 parts, Paris, Berger-Levrault, 1916); P. Leroy-Beaulieu, *La Guerre de 1914 vue en son Cours chaque Semaine* (vol. II., through July, 1916, Paris, Delagrave, 1916); A. Masson, *L'Invasion des Barbares, 1914-1916* (vol. III., through June, 1916, Paris, Fontemoing, 1916); A. Nicot, *La Grande Guerre*, III. *Des Flandres à Verdun* (Tours, Mame, 1916, pp. 268); Lieutenant-Colonel Rousset, *La Guerre au Jour le Jour* (through April, 1915, Paris, Tallandier, 1915, pp. 650), with numerous maps, plans, and illustrations; Joseph Reinach, *Les Commentaires de Polybe* (vol. VII., to spring of 1916, Paris, Fasquelle, 1916); and *Le Larousse Mensuel Illustré* (Paris, Larousse) covers the history from 1907 to the end of 1916 in an encyclopedic arrangement.

*Trois Mois de Guerre, Août, Septembre, Octobre, 1915*, by Gaston

Jollivet (Hachette, pp. 364), is the fourth volume of a most useful reference work. The treatment of the subject is divided into three sections, the first dealing with principal events of the war, the second with diplomacy and policy, and the third with details and incidents of the warfare.

Jean Debrit, the Swiss military expert, has issued the fourth volume of *La Guerre de 1914: Notes au Jour le Jour par un Neutre* (Paris, Crès, 1916), which deals with events from July 1 to September 20, 1915. *Frankreich im Kriege, 1914-1916* (Paris, Fischbacher, 1916) is by Dr. Max Müller, the correspondent of the *Neue Zürcher Zeitung*.

*Guerre de 1914, Documents Officiels* (Paris, Dalloz, 1917) contains documents to the end of 1916 in the fifteenth volume. *Volumes du Bulletin Officiel du Ministère de la Guerre, 1915-1916* (Paris, Lavauzelle) now form a collection of over 100 pamphlets and volumes of instructions and regulations applying to every branch of the army and its activities. The *Recueil des Communiqués Officiels* (no. 23, Paris, Payot), is also reprinted as numbers in the admirable pamphlet series *Pages d'Histoire* (Paris, Berger-Levrault) of which 120 numbers have appeared containing also reprints of all the vari-colored books, much other official material and monographs on special subjects forming a running commentary of illustrative materials on the progress of the war. Of somewhat less value, but also important and useful, is the series *Pages Actuelles* (Paris, Bloud and Gay) of which 103 issues are out. *La France Héroïque et ses Alliés* (Paris, Larousse) prepared by G. Geffroy, L. Lacour, and L. Lumet, has reached its twenty-fourth issue.

The January, February, and March numbers of *Current History*, a monthly magazine published by the *New York Times*, contain, in convenient form, the texts of the notes of President Wilson and of the various belligerent powers respecting peace, those which have more recently passed between the United States and Germany, and other similar documents.

Attempts to write the history of the battle of the Marne have been made by Louis Madelin in *La Victoire de la Marne* (Paris, Plon, 1916, pp. 138); by E. Henriot, in *La Bataille de la Marne* (Paris, Eggimann, 1916), which contains numerous plans and illustrations; and by C. Le Goffic, in *La Victoire de la Marne: les Marais de Saint-Gond* (Paris, Plon, 1917). P. E. Colin has announced *La Bataille de l'Ourcq* (Bourg-la-Reine, the author, 1917) as the first volume in a series, *Les Routes de la Grande Guerre*, which is to be published in luxuriously illustrated, limited editions.

Other volumes relating to some aspect of the war on the west front are G. Somville, *The Road to Liège, the Path of Crime, August, 1914* (London, Hodder and Stoughton, 1916, pp. xxii, 296) translated by B. Miall; G. Le Bail, *La Brigade des Jean Le Gouin: Histoire Docu-*

mentaire et Anecdote des Fusiliers-Marins de Dixmude, d'après des Documents Originaux et les Récits des Combattants (Paris, Perrin, 1917); G. Jollivet, *L'Épopée de Verdun*, 1916 (Paris, Hachette, 1917); J. Mortane, *Les Vols Émouvants de la Guerre* (Paris, Lafitte, 1917); M. Nadaud, *En Plein Vol, Souvenirs de Guerre Aérienne, Juillet 1915-Juillet 1916* (Paris, Hachette, 1916); Général Malleterre, *Études et Impressions de Guerre, Première Série, 1914-1915* (Paris, Tallandier, 1916).

The Gallipoli campaign is described by C. Stiénon in *L'Expédition des Dardanelles* (Paris, Chapelot, 1916); by John Masefield in *Gallipoli* (New York, Macmillan, 1916, pp. 245); by John Gallishaw, a Newfoundland, in *Trenching at Gallipoli* (New York, Century Company, 1916, pp. 225); by Reverend O. Creighton in *With the Twenty-Ninth Division in Gallipoli: a Chaplain's Experiences* (London, Longmans, 1916, pp. xiv, 191). *From Dartmouth to the Dardanelles, a Midshipman's Log*, edited by his Mother (London, Heinemann, 1916, pp. ix, 174) recites the naval side of the campaign. Narratives of the Balkan campaign are contained in *Dardanelles, Serbie, Salonique: Impressions et Souvenirs de Guerre, Août 1915-Février 1916* (Paris, Plon, 1916, pp. 341) by J. Vassal; and in *En Macédoine, Carnet de Route d'un Sergent de l'Armée d'Orient* (Paris, Crès, 1916), by J. Arène.

Discussions of Germany's relations to the war are contained in Hashagen, *Umriss der Weltpolitik* (Leipzig, Teubner, 1916); Professor G. Pfeilschifter and others, *La Culture Allemande: le Catholicisme et la Guerre, Réponse à l'Ouvrage Français, La Guerre Allemande et le Catholicisme* (Amsterdam, Langenhuisen, 1916); S. Grumbach, *Das Annexionistische Deutschland: eine Sammlung von Dokumenten die seit dem 4. August 1914, in Deutschland öffentlich oder geheim verbreitet Wurden* (Paris, Payot, 1917, pp. 500), of which an English edition is in preparation; Professor C. Andler, *Le Pangermanisme Philosophique, 1800 à 1914* (Paris, Conard, 1917), his fourth volume on Pan-Germanism; Léon Maccas, *German Barbarism: a Neutral's Indictment* (London, Hodder and Stoughton, 1916, pp. xii, 228) by a Greek; J. Pelissier, *Une Enquête d'Avant-Guerre: l'Europe sous la Menace Allemande en 1914* (Paris, Perrin, 1916, pp. xv, 331); *L'Allemagne et les Alliés devant la Conscience Chrétienne* (Paris, Bloud and Gay, 1916); and *Lettres du Professor Kurt Oscar Muller* [pseudonym of Abbé Wetterle], *Têtes de Boches* (Paris, Édition Française Illustrée, 1916).

Under the title *Les Lois de la Guerre Continentale* (Paris, Payot, 1916, pp. xxvi, 198), P. Charpentier has translated the *Kriegsbrauch im Landkriege* prepared by the German Great General Staff, with annotations to show that the staff had adopted rules of war in violation of the rules adopted at the Hague and ratified by Germany, and that in actual war Germany has not lived up even to these rules of her own framing.



*Des Entreprises Austro-Allemandes constituées sous Forme de Sociétés Françaises et de l'Influence de la Présence d'Austro-Allemands dans les Sociétés* (Paris, Tenin, 1916) is an international law study by H. E. Barrault. Professor L. Renault of the Paris Law School is the author of *Les Premières Violations du Droit des Gens par l'Allemagne: Luxembourg et Belgique* (*ibid.*, 1917), and his colleague, Professor R. Jacquelin, of *Le Droit Social et la Reparation des Dommages en Régions Envahies* (*ibid.*). Professor Renault has also written an introduction to *Le Régime des Prisonniers de Guerre en France et en Allemagne au Regard des Conventions Internationales, 1914-1916* (Paris, Imp. Nationale, 1916, pp. xi, 100).

France behind the lines and its problems furnish subjects for several books. *En Marge de la Grande Guerre* (Paris, Flammarion, 1916), by G. Bonnier, contains a comparison of conditions in Savoy and Dauphiné in 1870 and 1914; Abbé C. Lippard preserves his *Notes et Impressions de Guerre: Beaumont-sur-Oise pendant les Mois d'Août et Septembre 1914* (Beaumont-sur-Oise, Ducaux and Marchandon, 1916, pp. 116); the second volume of Léonce de Grandmaison's *Impressions de Guerre de Prêtres Soldats* bears the subtitle *De Bruxelles à Salonique* (Paris, Plon, 1917); Paul Delay deals with the dioceses of the interior in the second volume of *Les Catholiques au Service de la France* (Paris, Bloud and Gay, 1917); André Spire has written of *Les Juifs et la Guerre* (Paris, Payot, 1917); and Berthem-Bontoux, of *Les Françaises et la Grande Guerre* (Paris, Bloud and Gay, 1917).

*L'Invasione Respinta, Aprile-Luglio, 1916* (Milan, Treves, 1916), by A. Fraccaroli; *En Italie pendant la Guerre, de la Déclaration de Guerre à l'Autriche, Mai, 1915, à la Déclaration de Guerre à l'Allemagne, Août, 1916* (Paris, Van Oest, 1916), by J. Destrée; *L'Italie et le Conflit Européen, 1914-1916* (Paris, Alcan, 1916, pp. 278), by J. Alazard; *L'Italie et la Guerre Actuelle* (Florence, Imp. Dominicaine, 1916, pp. 285), a volume of articles by eleven Italian university professors; and *L'Italia e il Mediterraneo Orientale* (Rome, L'Italiana, 1916), by R. Paribeni, present several aspects of Italy's activities and policies in the present struggle. The first volume of *La Guerra d'Italia, 1915-1916* (Milan, Treves, 1916, pp. 400), carries the narrative to the declaration of war against Austria in May, 1915, and is abundantly illustrated. *La Guerra delle Nazioni nel 1914-1915 e 1916* (Milan, Treves, 1916, vol. II., pp. 408) is largely composed of documentary materials.

The maritime phase of international law, with regard to the present war, is set forth by Professor D. Danjon of Caen in his *Traité de Droit Maritime* (Paris, Pichon and Durand-Auzias, 1915-1916) of which the fifth and sixth volumes have recently appeared, and more specifically in *Le Droit International Maritime et la Grande Guerre* (*ibid.*, 1916) by Dr. E. Pchédécki. The *Décisions du Conseil des Prises et Décrets rendus en Conseil d'État en Matière de Prises Maritimes du*

4 Août 1914 au 18 Juillet 1916 (Paris, Challamel, 1916), with allied materials, have been collected in a volume. The second volume of P. Fauchille's *La Guerre de 1914: Recueil de Documents intéressant le Droit International* (Paris, Pedone, 1917) contains documents 380-670.

Among volumes of illustrations and caricatures on the war may be cited J. Grand-Carteret, *Caricatures et Images de la Guerre*, I. *Kaiser, Kronprinz et Cie.*, II. *La Kultur et ses Hauts Faits* (Paris, Chapelot, 1916-1917), and his *Verdun, Images de Guerre* (*ibid.*, 1917); Mantelet-Martel, *L'Hiver 1914 dans les Hauts de Meuse* (Paris, Berger-Levrault, 1916) containing 24 plates and text by C. Igounet de Villers; *Album Zislin: Dessins de Guerre* (*ibid.*, 16 plates). Serial publications include E. Hinzelin, 1914, *Histoire Illustrée de la Guerre du Droit* (Paris, Quillet), of which 25 numbers have appeared; *L'Art et les Artistes* (23 Quai Voltaire, Paris), which has issued special illustrated numbers on Reims, Belgium, Poland, Lille, Lorraine, Rumania, etc.; and *La Guerre: Documents de la Section Photographique de l'Armée, Ministère de la Guerre* (Paris, Colin), of which the second volume of fascicles has appeared containing some 500 photographic views, and text by Ardouin-Dumazet.

The following volumes are narratives of personal experiences of Frenchmen in the earlier months of the war, which in most cases were terminated by the death of the writer: F. Dongot, *Soixante Jours de Guerre: Journal d'un Fantassin, Novembre-Décembre, 1914* (Paris, Barranger, 1916); A. Chevrillon, *Lettres d'un Soldat, Août 1914-Avril 1915* (Paris, Chapelot, 1916, pp. xxxiv, 164); H. Célarié, *Sous les Obus: Souvenirs d'une Jeune Lorraine, 1914-1915* (Paris, Gedalge, 1916, pp. 237); Capt. F. Belmont, *Lettres d'un Officier de Chasseurs Alpains, 2 Août 1914-28 Décembre 1915* (Paris, Plon, 1916, pp. liv, 313); Général Bon, *Causeries et Souvenirs, 1914-1915: un Combattant de la Grande Guerre* (Paris, Floury, 1916, pp. viii, 383); D. Bertrand de Laflotte, *Dans les Flandres, Notes d'un Volontaire de la Croix-Rouge, 1914-1915* (Paris, Bloud and Gay, 1917, pp. 288); Sous-Lieutenant A. Dollé, *Pages de Gloire, d'Amour, et de Mort, Guerre de 1914-1916* (Paris, Berger-Levrault, 1916, pp. x, 182); and Lieut. L. Thomas, *Les Diables Bleus pendant la Guerre de Délivrance, 1914-1916* (Paris, Perrin, 1916, pp. ii, 418.)

Similar narratives for later parts of the war are J. Schewaebel, *La Pentecôte à Arras* (Paris, 1916); Adrien Bertrand, *La Victoire de Lorraine, Carnet d'un Officier de Dragons* (Paris, Berger-Levrault, 1916); J. Galtier-Boissière, *En Rase Campagne et un Hiver à Souchez* (Paris, Berger-Levrault, 1917); P. Lecasble, *Dans les Tranchées Crayeuses, l'Attente, 1915-1916* (Paris, Jouve, 1916); Lieut. L. Thomas, *Avec les Chasseurs* (Paris, Crès, 1916); M. Gouvieux, *Notes d'un Officier* (Paris, Lafitte, 1916).

German personal narratives of the war include General von Moser,

*Kampf und Siegestage* (Berlin, Mittler, 1914), by a Württemberger; Otto von Gottberg, *Als Adjutant durch Frankreich und Belgien* (Berlin, Scherl, 1915); the Saxon, Felix Marschner, *Mit der 23. Reserve-Division durch Belgien und Frankreich, Kriegserlebnisse* (Leipzig, 1915), as far as the battle around Reims; the two anonymous narratives, *Unser Vormarsch bis zur Marne aus dem Kriegstagebuch eines Sächsischen Offiziers* (Berlin, Mittler, 1915); and *Was Ich in Mehr als 80 Schlachten und Gefechten Erlebte* (*ibid.*). P. Witkop has edited a volume of *Kriegsbriefe Deutscher Studenten* (Gotha, Perthes, 1916). L. Ganghofer, *Reise zur Deutschen Front, 1915* (Berlin, Ullstein, 1915); and R. H. Bartsch, *Das Deutsche Volk in Schwerer Zeit* (*ibid.*) are the records respectively of a Bavarian and an Austrian correspondent's visits to the eastern and western fronts.

*L'Action Allemande aux États-Unis, de la Mission Dernburg à l'Incident Dumba* (2 Août 1914-25 Septembre 1915), by G. Alphaud, with a preface by Ernest Lavisse (Payot, 1915, pp. xvi, 498) is a volume designed to expose in detail to the French reading public the German propaganda in the United States. It is based largely upon an extensive survey of American newspapers supplemented by observation during a visit to the United States in 1915. The account in its broad outlines is probably substantially correct, although one cannot help feeling that the extent of Mr. Dernburg's influence is somewhat exaggerated, and one must regret a certain naïve conception on the part of the author of certain phases of American history, as for example that the Hessian troops employed by the British in the Revolution were recruited from the German population of the colonies, which is represented as having been opposed to the Revolution.

Those portions of Lord Bryce's presidential addresses before the British Academy which deal with the war have been gathered into a pamphlet under the title *Some Historical Reflections, 1915-1916*, published by Mr. Milford.

*War Bread*, by Edward E. Hunt, "a personal narrative of the war and relief in Belgium", adds its bit to the history of relief measures which will form so important a part of the social history of the present war.

Noteworthy articles in periodicals: J. Vidal de la Blache, *Lettres, 28 Juillet 1914-26 Janvier 1915* (Revue de Paris, January 1); P. M. Masson, *Lettres de Guerre* (Revue des Deux Mondes, January 15); Lieutenant X., *Journal d'un Officier Mitrailleur à Verdun* (Revue Hebdomadaire, October 28); C. Nordmann, *Impressions d'un Combattant, Notes de Route*, VI. (Revue des Deux Mondes, November 15); P. Adam, *La Terre qui Tonne*, I. Artois, II. Champagne (Revue de Paris, November 15, December 1); A. Chevrillon, *Visites au Front, Juin, 1916*, I.-II. (Revue des Deux Mondes, December 15, January 1); R. Milan, *Les Vagabonds de la Gloire: Vers l'Armée d'Orient*, I. (Revue de Paris,

December 15); G. Hanotaux, *La Bataille de la Trouée de Charmes, 25-26 Août 1914* (Revue des Deux Mondes, November 15); J. Reinach, *Une Version Allemande de la Marne* (Revue de Paris, December 1); A. Boppe, *À la Suite du Gouvernement Serbe de Nich à Saint-Jean de Medua, 20 Octobre 1915-14 Février 1916* (Revue des Deux Mondes, December 15, January 1); M. Tinayre, *Un Été à Salonique, Avril-Septembre 1916* (*ibid.*, January 15); O. Guihéneuc, *La Bataille du Jutland* (Revue de Paris, November 1); R. Worms, *La Juridiction des Prises durant la Seconde Année de la Guerre* (Compte Rendu de l'Académie des Sciences Morales et Politiques, November); E. de Guichen, *Le Problème de l'Europe Centrale envisagé dans son Passé et pendant la Guerre Actuelle* (*ibid.*, December); G. Hanotaux, *L'Ère Nouvelle, Problèmes de la Guerre et de la Paix* (Revue des Deux Mondes, June 15, November 1); A. W. Risley, *International Law and the Present European War* (Journal of the New York State Teachers' Association, October); W. C. Abbott, *The Literature of the War* (Yale Review, April).

#### GREAT BRITAIN AND IRELAND

Volumes III. and IV. of *The Arts in Early England*, by Professor G. Baldwin Brown of the University of Edinburgh (London, John Murray, New York, Dutton), have recently appeared. These volumes deal in comprehensive manner with *Saxon Decorative Art of the Pagan Period*.

In a doctoral dissertation emanating from the University of Chicago Mr. P. G. Mode studies *The Influence of the Black Death on the English Monasteries* (privately printed, 1916). Beginning with a survey of the relation of the monastery of the fourteenth century to the community, he proceeds to study the mortality of the clergy, the burdens imposed on the monasteries by the Hundred Years' War, the financial stress to which they were subjected because of the plague, and the slackening of discipline which eventually resulted. Appendixes present appeals for aid, recognizances, and incumbents of representative monasteries.

The Kingsgate Press has issued *A Baptist Bibliography: being a Register of the Chief Materials for Baptist History, whether in Manuscript or in Print, preserved in Great Britain, Ireland, and the Colonies*, vol. I., 1526-1576, compiled for the Baptist Union of Great Britain and Ireland, by Dr. W. T. Whitley.

A monograph in English agricultural history by A. W. Ashby, entitled *Small Holdings and Allotments in Oxfordshire* is announced by the Oxford University Press.

*The Seconde Parte of a Register*, edited by Dr. Albert Peel (Cambridge, University Press, 1915, 2 vols.), is a calendar of material gathered together by the English Puritans to follow their *Parte of a Register* published in 1592 or 1593. The material here calendared, which was never

published, gives much light on the religious controversy under Elizabeth.

Considerable historical interest attaches to *Political Ballads illustrating the Administration of Sir Robert Walpole*, admirably edited, in the *Oxford Historical and Literary Studies*, by Dr. Milton Percival, who in an introduction of 58 pages points out the important function of the ballad in circulating and commenting upon news which the newspapers suppressed.

Messrs. Routledge (London) announce *Chatham's Colonial Policy: a Study of the Fiscal and Economic Implications of the Colonial Policy of the Elder Pitt* by Miss Kate Hotblack.

Volume III. of the biography of Lord Kitchener published by the Gresham Publishing Company, entitled *Field-Marshal Lord Kitchener: his Life and Work for the Empire*, is the work of Mr. E. S. Grew and others.

The Scottish History Society will soon issue, as its volumes for 1915-1916, volume III. of the *Selections from the Records of the Regality of Melrose* and volume I. of its *Catalogue of Topographical Works relating to Scotland*. For 1916-1917 it will issue the second and concluding volume of the catalogue named, and either the second volume of Warriston's *Diary* or the first volume of *Papers relating to the Army of the Solemn League and Covenant, 1643-1647*, edited by Professor C. S. Terry. A third selection of *Papers relating to the Highlands*, edited by Mr. J. R. N. Macphail, K. C., and a set of selections from the Baron Court Book of Forbes are likely to be undertaken later.

Two phases of recent Irish history are discussed in St. John G. Irvine's *Sir Edward Carson and the Ulster Movement* (Dodd, Mead, and Company) and *The Irish Rebellion of 1916 and its Martyrs*, by Pádraic Colum and others, edited by Maurice Joy.

Messrs. Angus and Robertson of Sydney have just issued a fourth and revised edition of Mr. G. E. Boxall's *History of the Australian Bushrangers*, a small but standard book upon an important episode in Australian history.

British government publications: *Calendar of State Papers, Foreign Series, Elizabeth*, vol. XIX., August, 1584-August, 1585, ed. Sophie C. Lomas; *Calendar of Inquisitions Post Mortem and other Analogous Documents*, IX., Edward III.; *The Register of the Privy Council of Scotland*, third series, vol. VIII., 1683-1684, ed. P. Hume Brown (H. M. General Register House, Edinburgh); *Historical Records of Australia*, series I., *Governors' Despatches to and from England*, vol. VII., January, 1809-June, 1813; vol. VIII., July, 1813-December, 1815.

Noteworthy articles in periodicals: A. H. F. Lefroy, *The Anglo-Saxon Period of English Law* (Yale Law Journal, February); W. E. Lunt, *A Papal Tenth levied in the British Isles from 1274 to 1280* (English Historical Review, January); E. R. Adair, *The Statute of Proclamations*

(*ibid.*); W. P. M. Kennedy, *The Inner History of the Reformation under Edward VI.* (American Catholic Quarterly Review, January); Miss K. M. Eliot, *The First Voyages of Martin Frobisher* (English Historical Review, January); C. E. Fryer, *The Royal Veto under Charles II.* (*ibid.*); C. H. Firth, *Modern History in Oxford, 1724-1841* (*ibid.*); J. H. Clapham, *The Spitalfields Acts, 1773-1824* (Economic Journal, December); H. A. Gibbons, *Great Britain in the Sudan* (Century, January); P. Meuriot, *Des Efforts Récents de la Législation Britannique pour créer en Irlande la Propriété Paysanne* (Compte Rendu de l'Académie des Sciences Morales et Politiques, September); E. R. Turner, *Ulster and Nationalist Ireland* (Nation, January 25, March 15).

#### FRANCE

General review: R. Reuss, *Histoire de France, Révolution* (Revue Historique, January).

The period from 825 to 1169 is included in the first volume of *Chartes de l'Abbaye de Jumièges, conservées aux Archives de la Seine-Inférieure* (Paris, Picard, 1916, pp. cxxxv, 240), which has been edited with introduction and notes by J. J. Vernier for the Society of the History of Normandy.

The following volumes are recent publications relating to the economic and legal conditions in medieval France: R. Grand, *Contribution à l'Histoire du Régime des Terres, le Contrat de Complant depuis les Origines jusqu'à nos Jours* (Paris, Tenin, 1917); P. Bastid, *De la Fonction Sociale des Communautés Taisibles de l'Ancien Droit* (Tours, Salmon, 1916, pp. 223); and Geneviève Aclouque, *Les Corporations, l'Industrie, et le Commerce à Chartres du XI<sup>e</sup> Siècle à la Révolution* (Paris, Picard, 1917).

Numbers 375 and 376 of the publications of the Society of the History of France are *Chronique des Règnes de Jean II. et de Charles V.* (vol. II., 1364-1380, Paris, Laurens, 1916, pp. 392), edited by R. Delachenal; and *Dépêches des Ambassadeurs Milanais en France sous Louis XI. et François Sforza* (vol. I., 1461-1463, *ibid.*, pp. 469), edited by B. de Mandrot. H. Courteault published, in the 1915 volume of the *Annuaire-Bulletin* of the society, *Le Dossier Naples des Archives Nicolay: Documents pour Servir à l'Histoire de l'Occupation Française du Royaume de Naples sous Louis XII.*

A. Renaudet has listed *Les Sources de l'Histoire de France aux Archives d'État de Florence, des Guerres d'Italie à la Révolution, 1494-1789* (Paris, Champion, 1917, pp. 270). The same scholar is the author of *Préréforme et Humanisme à Paris pendant les Premières Guerres d'Italie, 1494-1517* (*ibid.*, 1916, pp. xlviii, 739).

Dr. A. Monod has presented his thesis at the Sorbonne on *De Pascal à Chateaubriand: les Défenseurs Français du Christianisme de 1670 à 1802* (Paris, Alcan, 1916, pp. 609).

A life of *Le Dernier Lieutenant Général au Bailliage et Siège Présidial de Caen, Constantin Le Bourguignon du Perré de Lisle, 1740-1804* (Caen, Poisson, 1916, pp. 482) is a contribution to provincial history at the close of the Ancien Régime by Louis Le Bourguignon du Perré.

*Maréchaux de France, Chronologie Militaire, 1768-1870* (Paris, Fournier, 1916, pp. 356) is a volume due to the careful efforts of F. Bruel of the Archives de la Guerre.

Paul Meuriot has prepared a useful manual of *La Population et les Lois Électorales en France de 1789 à nos Jours* (Paris, Berger-Levrault, 1916, pp. 96).

*Les Vicissitudes du Domaine Congéable en Basse-Bretagne à l'Époque de la Révolution* (Paris, Leroux, 1915, 2 vols., pp. 560, 475), by Dr. L. Dubreuil, published in the *Collection de Documents Inédits sur l'Histoire Économique de la Révolution Française*, deals with the efforts of the revolutionary legislators to deal with the peculiar form of land tenure prevalent in the extreme northwest corner of France, which was apparently partly feudal and therefore subject to the laws abolishing feudal rights but also partly contractual and so exempt from those laws. The materials selected for publication are carefully arranged with a modicum of explanatory matter so as to furnish a complete documented account of the problem.

The latest issue of the same series is the second and last volume of the *Cahiers de Doléances . . . de la Sénéchaussée Particulière d'Angers* (Paris, Leroux, 1916, pp. 841) edited by Dr. A. Le Moy, professor in the Lycée of Angers. The volume contains the cahiers of the parishes arranged in five groups according to the nature of the cahiers. The first four groups are determined by the models followed in drafting the cahier, while the fifth group is composed of those parishes drafting original cahiers. In the case of each parish a valuable amount of statistical and other information is given. The editor deserves high praise for the diligent care and critical scholarship displayed in these two excellent volumes.

Sir John Hall has used some new materials, especially from the Fortescue papers in the Record Office, in *General Pichegru's Treason* (London, Smith, Elder, 1915, pp. ix, 363).

The second volume of J. Burnichon's *La Compagnie de Jésus en France: Histoire d'un Siècle, 1814-1914* (Paris, Beauchesne, 1916, pp. 736) covers the period from 1830 to 1845.

J. F. Jeanjean is the author of *Guizot et Mahul dans leur Relations Politiques, d'après des Documents Inédits, 1820-1850* (Carcassonne, Imp. Gabelle, 1916).

*A Histoire des Corses et de leur Civilisation* (Tours, Deslis, 1916, pp. vii, 607) is by A. Ambrosi.



Noteworthy articles in periodicals: V. Guiraud, *La Civilisation Française* (Revue des Deux Mondes, December 15); C. Pfister, *Le Baptême de Clovis* (Revue Hebdomadaire, October 21); L. Halphen, *Études Critiques sur l'Histoire de Charlemagne, I. La Composition des Annales Royales* (Revue Historique, January); L. Thuasne, *Un Diplomate d'Autrefois, les Missions de Robert Gaguin, 1433-1501* (Revue d'Histoire Diplomatique, XXX. 3); L. Romier, *Les Protestants Français à la Veille des Guerres Civiles, I.* (Revue Historique, January); R. Peyre, *La Question des Subsistances et des Approvisionnements en France à la Fin du Dix-septième Siècle pendant la Guerre de la Ligue d'Augsbourg* (Revue des Études Historiques, October); A. Chuquet, *L'Assassinat de Marat* (Revue Hebdomadaire, November 18); A. Henry, *La Révolution et la Réparation des Dommages de Guerre* (Nouvelle Revue Historique de Droit Français et Étranger, July); J. Bourdon, *L'Administration Militaire sous Napoléon I<sup>er</sup> et ses Rapports avec l'Administration Générale* (Revue des Études Napoléoniennes, January); G. Lacour-Gayet, *Les Premières Relations de Talleyrand et de Bonaparte, Décembre 1797-Janvier 1798* (Revue Hebdomadaire, December 9); P. Rain, *Les Centenaires de la Restauration, Chronique de 1816* (Revue des Études Historiques, October); A. Fortier, *Dupont de l'Eure: la Révolution de Juillet 1830, I.* (La Révolution de 1848, August); E. Daudet, *La Prise d'Alger, 4 Juillet 1830* (Revue Hebdomadaire, October 28); P. et M. de Pradel de Lamase, *Autour de Henri V., Querelles Royales, I.-II.* (Revue de Paris, November 15, December 15); R. G. Lévy, *Un Demi-Siècle de Civilisation Française* (Revue des Nations Latines, December); P. Imbart de la Tour, *Le Marquis de Vogüé* (Revue des Deux Mondes, December 15); G. Goyau, *L'Église de France pendant la Guerre* (*ibid.*, December 1).

#### ITALY, SPAIN, AND PORTUGAL

Antonio Anzilotti, Corrado Barbagallo, and Ettore Roya are the editors of the *Nuova Rivista Storica* (Milan, Albrighi, Legati, and Company) of which the first number bears date, January, 1917.

A new life of *Sainte Catherine de Sienne, 1347-1380* (Paris, Bloud and Gay, 1916, pp. 256) is by Pierre-Gauthiez.

The fifth volume of the *Codex Diplomaticus Ord. E. S. Augustini Papiæ* (Pavia, Rossetti, 1915, pp. xxxiii, 474), edited by R. Maiocchi and N. Casacca, includes materials for the years 1621-1900.

The *Edizione Nazionale* of the *Scritti* of Mazzini is being supplemented by *Protocollo della Giovine Italia, Congrega Centrale di Francia* (vol. I., 1840-1842, Imola, Galeati, 1916, pp. lvi, 358).

A thorough study of the Revolution of 1848 in Venice is furnished by V. Marchesi in *Storia Documentata della Rivoluzione e della Difesa di Venezia negli Anni 1848-1849 tratta da Fonti Italiane ed Austriache* (Venice, Istituto Veneto di Arti Grafiche, 1916, pp. 562).

Professor B. Croce has recently published a study of *La Spagna nella Vita Italiana durante la Rinascenza* (Bari, Laterza, 1917).

The publication of the section of the *Guia Histórica y Descriptiva de los Archivos, Bibliotecas, y Museos Arqueológicos de España*, under the direction of F. Rodríguez Marín, dealing with the *Museos de Madrid*, was begun in the May, 1916, issue and continued in the July issue of the *Revista de Archivos, Bibliotecas, y Museos* as an annex. The section on the *Archivos Históricos de Madrid* was begun in the July number of the same review.

Father A. Astrain deals with the years 1615-1652 in the fifth volume of *Historia de la Compañía de Jesús en la Asistencia de España* (Madrid, Razón y Fe, 1916, pp. xii, 736).

Noteworthy articles in periodicals: Anonymous, *Vincenzo Gioberti e i Gesuiti*, IV.-V. (La Civiltà Cattolica, November 4, 18); L. Messedaglia, *Il Protocollo della "Giovine Italia"* (Nuova Antologia, November 1); J. Destrée, *Luigi Luzzatti* (Revue de Paris, December 1); S. M. Waxman, *Chapters on Magic in Spanish Literature* (Revue Hispanique, December); J. H. Probst, *Francesch Eximenic: ses Idées Politiques et Sociales* (ibid., February); Ayres de Sá, *Frei Gonçalo Velho, Commentarios, 1416-1916* (ibid., October); V. Castañeda, *Relación del Auto de Fe en el que se Condenó a Don Pablo de Olavide, Caballero del Hábito de Santiago* (Revista de Archivos, Bibliotecas, y Museos, July).

#### GERMANY, AUSTRIA, AND SWITZERLAND

German-Slave relations in the medieval colonization of Mecklenburg form the subject of an extensive doctoral dissertation by D. N. Iegorov entitled *Slaviano-Guermanskia Otnochenia v Srednia Veka, Colonisatzia Meklenbourg v XIII Veke* (Moscow, 1915, 2 vols., pp. vii, 567; xxvii, 614). The author shows that the nobility of Mecklenburg was not Germanized until the thirteenth century, that the Slavic speech was used there until the sixteenth century, and that not until the Thirty Years' War did Germanizing influences completely displace the Slavic.

The St. Boniface Historical Society, in an "endeavor to win for the history of the German nation the place due it in English Catholic Literature", is publishing a series of pamphlets entitled *Oak-Leaves: Gleanings from German History*. The brief articles contained in the pamphlets, five of which have come to hand, range over the entire field of German history, from "How Charlemagne became Emperor" to "Edifying War Stories", referring to the present war.

Hermann Loening's thesis on *Johann Gottfried Hoffmann und sein Anteil an der Staatswirtschaftlichen Gesetzgebung Preussens* (vol. I., 1785-1813, Tübingen, 1914) is useful for the study of the reform measures under Frederick William III.

K. Knoke's *Niederdeutsches Schulwesen zur Zeit der Französisch-Westfälischen Herrschaft, 1803-1813* (Berlin, Weidmann, 1916) is the fifty-fourth volume of *Monumenta Germaniae Paedagogica*, and makes an interesting contribution to the history of the Napoleonic influences in Germany.

The second volume of H. Wahl's edition of the *Briefwechsel des Herzog Carl August mit Goethe* (Berlin, Mittler, 1916) includes the years 1807-1820.

The interesting career of *Joseph von Görres en de Kerk in Duitschland in zijn Tijd, 1776-1848* (Leiden, "Futura", 1915, pp. 445) is the subject of a volume by J. B. van Dijk.

R. Oehler and C. Bernoulli have edited the *Briefwechsel* (Leipzig, Insel-Verlag, 1916) of Nietzsche with Franz Overbeck. It is interesting to note that the publication of this volume has been permitted though Bernoulli's two volumes on *Overbeck und Nietzsche* published ten years ago were the subject of legal prosecution.

D. Viollier is the author of a study of *Les Sépultures du Second Age du Fer sur le Plateau Suisse* (Geneva, Georg, 1916, pp. x, 145)

Noteworthy articles in periodicals: Commandant Weill, *La Morale Politique du Grand Frédéric d'après sa Correspondance*, V. (*Revue d'Histoire Diplomatique*, XXX. 3); M. Mazziotti, *Il Principe di Bülow e la Politica Germanica* (*Nuova Antologia*, November 1); G. Pariset, *Les Enseignements du Haut Professorat d'Allemagne sur la Guerre* (*Revue de Paris*, December 15, January 1); Commandant Marcel Prévost, *Documents sur la Misère Allemande* (*ibid.*, December 15); J. Chopin, *La Création de l'Autriche-Hongrie* (*Mercure de France*, November 16); L. Eisenmann, *François-Joseph Ier* (*Revue de Paris*, January 1); R. Pinon, *François-Joseph* (*Revue des Deux Mondes*, January 1).

#### NETHERLANDS AND BELGIUM

A Society for the Publication of Grotius has recently been formed at the Hague and a committee appointed to go forward with the work, which is to begin with the publication of the letters to and from Grotius. Of this committee Professor C. van Vollenhoven of Leiden is the president, Dr. P. C. Molhuysen of the Hague secretary, and Mr. G. J. Fabius of Rotterdam treasurer.

Contributions to the military history of the invasion of Belgium include Maurice des Ombiaux, *Fastes Militaires des Belges* (Paris, Bloud and Gay, 1916, pp. 256); *Pour la Défense du Pays, Documents sur la Guerre Européenne* (Paris, Van Oest, 1916, pp. 300), by Dr. Terwagne, the Belgian agent at the Hague; P. Torn, *Huit Mois avec les Boches dans le Luxembourg Belge, Août 1914-Avril 1915* (Paris, Perrin, 1916, pp. 212); L. Mokveld, *L'Invasion de la Belgique, Témoi-*

*gnage d'un Neutre* (Paris, Bloud and Gay, 1917). F. Van Langenhove has attempted a critical study of *Comment Naît un Cycle de Légendes: Francs Tireurs et Atrocités en Belgique* (Paris, Payot, 1916).

Émile Vandervelde has written *La Belgique Envahie et le Socialisme International* (Paris, Berger-Levrault, 1916), and Henri Heyman, the president of the federation of Catholic labor unions in Belgium, is the author of *La Belgique Sociale: son Passé, son Avenir, et Celui des Pays Alliés* (Paris, Payot, 1916).

In *La Barrière Belge: Essais d'Histoire Territoriale et Diplomatique* (Paris, Perrin, 1916, pp. 285), Pierre Nothomb has reprinted four articles from *Le Correspondant* in which he has discussed whether Belgium was ever Germanized, the relations with Holland, the natural frontier of the Eifel, and the Belgian relations with the Grand Duchy of Luxemburg. A later volume by the same author is *La Belgique en France: les Réfugiés et les Héros* (Paris, Berger-Levrault, 1917, pp. xv, 195). Italian expressions form the first volume of *Opinions sur la Belgique* (Paris, Van Oest, 1916, pp. xv, 101), compiled by J. Destrée.

#### NORTHERN AND EASTERN EUROPE

Professor N. Jorga of Bucharest has published a *Histoire des Roumains de Transylvanie et de Hongrie* (Bucharest, Göbl, 1915-1916, 2 vols.).

*Essai sur la Crise Balkanique, 1912-1913* (Paris, Larose, 1916, pp. 282) is a thesis in international law by D. Iancovici.

The Cambridge University Press expects shortly to publish a volume entitled *Russian Realities and Problems* edited by Mr. J. D. Duff. Professor Paul Miliukov contributes to it "The War and Balkan Politics" and "The Representative System of Russia"; Professor Peter Struve "The Past and Present of Russian Economics"; Mr. Roman Dmowski, for years leader of the Polish party in the Duma, "Poland Old and New"; Dr. Alexander Lappo-Danilevskii "The Development of Science and Learning in Russia"; and Mr. Harold Williams "The Nationalities of Russia"; all lectures delivered last summer at Cambridge.

*Poland Past and Present: an Historical Study* (Allen and Unwin), is the work of J. H. Harley, the editor of the *Polish Review*.

Professor Paul Vinogradoff has, in a volume entitled *Self-Government in Russia* (Dutton), sketched the political evolution of Russian government.

To the series *Makers of the Nineteenth Century*, a volume on *Abdul Hamid* has been added by Sir Edwin Pears.

Noteworthy articles in periodicals: A. Krotky, *Les Aspects de la Question Polonaise* (*Revue des Études Napoléoniennes*, November);

Baron L. de Staël-Holstein, *La Question des Iles d'Aland* (Revue Politique Internationale, December); P. Miliukov, *Rusland og Europa* (Samtiden, XXVII. 8, 9); Salih Munir Pacha, *La Russie en Orient: son Rôle Historique*, II. (Revue Politique Internationale, December); L. Bréhier, *L'Hagiographie Byzantine des VIII<sup>e</sup> et IX<sup>e</sup> Siècles à Constantinople et dans les Provinces* (Journal des Savants, August, October); E. Daudet, *Le Suicide Bulgare: Autour d'une Couronne, Notes et Souvenirs, 1878-1915*, II.-III. (Revue des Deux Mondes, November 1, December 1); I. Radonitch, *Le Droit Historique des Roumains et des Serbes sur le Banat* (Revue des Études Historiques, October); E. de Keyser, *L'Avant-Guerre en Turquie d'Asie* (Revue Hebdomadaire, November 18).

#### THE FAR EAST AND INDIA

Professor P. Y. Sacki of the Waseda University, Tokio, has published *The Nestorian Monument in China* (London, Society for Promoting Christian Knowledge, 1916, pp. x, 342), which contains the text with translation, notes, and introduction.

E. H. Parker, professor of Chinese in the Victoria University of Manchester, has published a revised edition of his *China: her History, Diplomacy, and Commerce from the Earliest to the Present Day* (London, John Murray, New York, Dutton), which contains three additional chapters dealing with events in China since 1901, the date when the first edition appeared.

In a volume entitled *The Historical Development of Religion in China* (Fisher Unwin) Mr. Walter J. Clennell has attempted an outline of the various Chinese religions and the relation between Chinese history and religion.

Professor K. Asakawa of Yale, spending next year in Japan, on leave of absence, will prepare a volume of Japanese documents illustrating the history of feudalism, for the *Princeton Historical Series* now about to be inaugurated.

A well-documented account of the administrative system of India under Hindu governments, chiefly from 500 B. C. to 500 A. D., is contained in Dr. Pramathanatha Banerjea's *Public Administration in Ancient India* (Macmillan, 1916).

Among the books announced for spring publication by the Oxford University Press are *Akbar, the Great Mogul, 1542-1605*, by Vincent A. Smith, and *Early Revenue History of Bengal*, by F. D. Ascoli.

A second volume of *The Promotion of Learning in India*, by Narendra Nath Law, dealing with *The Promotion of Learning in India during Muhammadan Rule*, has appeared from the press of Messrs. Longman. The volume covers the period from the eleventh to the eighteenth centuries and rests on many unedited sources.

Noteworthy articles in periodicals: H. Cordier, *Origine des Chinois: Théories Étrangères* (T'Oung Pao, December, 1915); A. C. Moule and L. Giles, *Christians at Chên-Chiang Fu* (*ibid.*, December, 1915); W. W. Rockhill, *Notes on the Relations and Trade of China with the Eastern Archipelago and the Coast of the Indian Ocean during the Fourteenth Century*, IV.-V. (*ibid.*, October, December, 1915); H. Cordier, *Mélanges Géographiques et Historiques, Manuscrit Inédit du Père A. Gaubil, S. J., publié avec Notes* (*ibid.*, October, 1915).

## AMERICA

### GENERAL ITEMS

In the Department of Historical Research of the Carnegie Institution of Washington, Professor F. A. Golder's *Guide to the Russian Archives* and Professor R. R. Hill's *Descriptive Catalogue of the Papeles de Cuba* have been received from the press.

The Department of Economics and Sociology of the Carnegie Institution of Washington, which has been engaged for a number of years in the preparation of Contributions to American Economic History, has now been discontinued, but the trustees of the Institution, in taking this action, also voted to turn over to the group of collaborators who were formerly members of the Department the balance of appropriations remaining to their credit. This sum has now been more than doubled by an individual gift, so that the work will not be stopped, but will go on under an independent organization. Three members of the original group who found it impossible to devote the necessary time to the work have retired, while Professor Henry C. Taylor, of the University of Wisconsin, has been added to the group as the head of the Division of Agriculture. The collaborators have formed articles of association under the title "Board of Research Associates in American Economic History" and are as follows: Dr. Victor S. Clark, of Washington, Professor John R. Commons, of the University of Wisconsin, Professor Davis R. Dewey, of the Massachusetts Institute of Technology, Professor Henry W. Farnam, of Yale University, Professor Henry B. Gardner, of Brown University, Professor Emory R. Johnson, of the University of Pennsylvania, Mr. E. W. Parker, of Wilkes-Barre, Pennsylvania, Professor Henry C. Taylor, of the University of Wisconsin, and Professor Walter F. Willcox, of Cornell University.

The readers of this journal will perhaps recall that the work of the Department of Economics and Sociology has comprised three different types: (a) The *Index of Economic Material in the Documents of the States of the United States*, which has been prepared by Miss Adelaide R. Hassé, and of which thirteen volumes, covering thirteen states, have been published by the Carnegie Institution; this work is not to be continued. (b) Monographic studies. Over 170 of these have been prepared and 65 of them published through various channels

outside the Carnegie Institution. It is expected that some of the money now in hand will be available for such monographs in fields not yet covered. (c) Divisional histories under the general title, *Contributions to American Economic History*. Of these, Professor Johnson's *History of Domestic and Foreign Commerce of the United States* and Dr. Clark's *History of Manufactures in the United States, 1607 to 1860*, have been published by the Carnegie Institution, and were reviewed in our January number. The *History of Transportation in the United States before 1860*, prepared under the direction of Dr. Balthasar H. Meyer, chairman of the Interstate Commerce Commission, is now in page-proof, to be published by the Institution. The *History of the Labor Movement*, by Professor John R. Commons and associates, has been accepted for publication by the Macmillan Company. The Board expect to concentrate their attention on the continuation of this series, several volumes of which are well advanced, and they will be glad to co-operate with students of economic history throughout the country, in order to further scholarly and accurate research within the field blocked out. All communications may be addressed to the chairman of the board, Professor Henry W. Farnham, New Haven, Connecticut.

The *Report* of the Librarian of Congress for the year 1915 describes important additions to the Library's Chinese and Japanese collections and valuable accessions of manuscripts, maps, documents, periodicals, etc. The more important accessions of manuscripts have been mentioned in preceding numbers of this journal. The noteworthy accessions of maps are 36 original maps, principally of the eighteenth and early nineteenth centuries; 42 photographic copies of important maps, 1689-1813; 730 geographical atlases, in 916 volumes, chiefly of the seventeenth and eighteenth centuries (making the total of such atlases in the Library 4817, in 5881 volumes); and many of the best maps relating to the present European war. The special feature of the Library's acquisitions of documents is the large additions to its files of the official publications of the Latin-American countries. Among the more notable accessions of newspapers during the year may be mentioned about 750 numbers of eighteenth-century newspapers from among the duplicates possessed by the Massachusetts Historical Society; a file of the *State Gazette of North Carolina* (Edenton), September 8, 1788-July 23, 1790; the *North Carolina Journal* (Halifax), August 1, 1792-May 20, 1799; 544 numbers of Georgetown and Washington newspapers, 1799 to 1802; and a considerable body of Southern newspapers of the Civil War period.

Among the recent accessions of the division of manuscripts of the Library of Congress are: account-books and letter-books of Robert Carter, known as Councillor Carter of Nominy Hall, Virginia, 1759-1805; letters of Comte Jean Florian Jolly de Pontcadeuc from Louisiana, 1801-1817; the papers of J. F. H. Claiborne, 1818-1885; a body of



Robert Morris manuscripts, 1778-1820, chiefly letters to and from Morris; correspondence of Capt. John Loyall Saunders, U. S. N., while in command of the *St. Mary's*, 1844-1847 (the gift of his grandson, Charles F. McIntosh, of Norfolk, Va.); papers of Charles Thomson, 1765-1820; a body of miscellaneous manuscripts, pertaining chiefly to colonial Virginia, 1695-1760; and additions to the Spanish and British transcripts.

The Library of Congress has issued a *List of References on Embargoes*, compiled under the direction of H. H. B. Meyer, chief bibliographer. The Library has also issued *A List of American Doctoral Dissertations printed in 1915*, prepared by Alida M. Stephens. The volume contains a subject index and also an alphabetical list, by university, of doctors whose theses were printed in 1915, with supplementary lists for 1912, 1913, and 1914.

The January number of the *Catholic Historical Review* opens with a statistical article, by Bishop Canevin of Pittsburgh, on Loss and Gain in the Catholic Church in the United States, 1800-1916. Mr. Waldo G. Leland, of the Carnegie Institution of Washington, secretary of the American Historical Association, presents an article, abounding in useful suggestions, on Catholic Historical Societies and their varied possibilities. A detailed account of the First Episcopal Visitation in the United States, that which Bishop Juan de las Cabezas of Santiago de Cuba paid to Florida in 1606, is given in a letter of that bishop, recently discovered in the Archives of the Indies at Seville by Miss Irene A. Wright, and here printed in the original Spanish and in English translation. It is made the occasion for an article on this Dominican bishop by the translator, Rev. V. F. O'Daniel, O. P. Finally, Rev. Dr. Joseph Magri has an article on Catholicity in Virginia during the Episcopate of Bishop McGill, 1850-1872, and Archbishop Messmer of Milwaukee a learned statement of the Episcopal Ancestry of the Catholic Hierarchy in the United States.

The *Publications* of the American Jewish Historical Society, no. 25, contains a selection of papers drawn from among those presented at annual meetings of the society from 1911 to 1916. Leon Hühner's paper concerning "David L. Yulee, Florida's First Senator" is an interesting account of a man who began his public career as David Levy, and was the first Jew to be elected to the United States Senate. Samuel Oppenheim contributes a paper upon the Question of the Kosher Meat Supply in New York in 1813, with a Sketch of Earlier Conditions, and several minor genealogical and historical notes; Frank I. Schechter writes concerning an Unfamiliar Aspect of Anglo-Jewish History; and Benjamin H. Hartogensis presents a study of Unequal Religious Rights in Maryland since 1776.

The contents of the July number of the *Magazine of History* are chiefly continuations. In the August number Marshall P. Thompson's

paper on Rochambeau and that of Rev. Charles E. Brugler on the Influence of the Clergy in the Revolution are concluded. There is, besides, a brief paper concerning the French-Indians and the United States, by Mrs. Louise S. Houghton. The contents of the September-October number include an article concerning Lovejoy's Influence on John Brown, by J. N. Brown; one on the Gold Fever of '48 and '49, by C. N. Holmes, and a reprint (from a supplement to the Stan. V. Henkels auction *Catalogue no. 1183*) of Alexander Hamilton's letter to Robert Morris, August 13, 1782, giving a view of the political "situation and temper" of New York.

The following numbers of the *Magazine of History Extra* have been issued (Tarrytown, Abbatt): *The Female Review: Life of Deborah Sampson, the Female Soldier in the War of the Revolution*, by Herman Mann, with introduction and notes, by J. A. Vinton (no. 47); *The Political Passing Bell: an Elegy written in a Country Meeting House, April, 1789* (no. 48); *Rare Lincolniana, no. 10* (including *A Sermon*, by A. G. Palmer, 1865; *Abraham Lincoln: a Study*, by R. Y., Liverpool, 1865; *The Coming Contraband*, by C. C. Nott, 1862; etc., no. 49); *A Reconstruction Letter*, by Edmund Clarence Stedman, and *Journal of the Quebec Expedition, 1775-1776*, by Capt. John Topham (no. 50); *Journal . . . of the Wrongs, Sufferings, and Neglect, experienced by Americans in France* (Boston, 1809), by Stephen Clubb, and *A Dialogue between the Ghost of General Montgomery and an American Delegate* (no. 51); and *The Other Side of the Question: or, a Defence of the Liberties of North-America*, etc. (New York, Rivington, 1774), and Capt. John Topham's *Journal* (no. 52).

The *Historical Records and Studies*, vol. X. (January, 1917), of the United States Catholic Historical Society includes a biographical sketch, by Peter Condon, of the late Dr. Charles George Herbermann, president of the society and editor of the *Historical Records and Studies*, "Personal Reminiscences" of him, by Right Rev. Henry A. Brann, and expressions of appreciation from various hands. The majority of the articles, moreover, are from Dr. Herbermann's pen. These are: the concluding chapters of his study of the Sulpicians in the United States, an account of the Diamond Jubilee of Fordham University, and biographical sketches of Rev. Charles Hippolyte de Luynes and Rev. Andrew Francis Monroe, S. J. Two brief articles by other hands are noted: Edward Maria Wingfield, by Edward J. McGuire, and John Doyle, Publisher, by Thomas F. Meehan.

The December number of the *Genealogical Magazine* contains the first part of an investigation, by Vincent B. Redstone, entitled, Side-Lights on American Trade, 1628-1633, embodying records of the High Court of Admiralty; an account, by Charles E. Banks, of Capt. Thomas Cammock (1592-1643) of Scarborough, Maine; a document apparently relating to an expedition against the Roanoke Indians in 1645, contributed

by Charles F. McIntosh; and Some Notes from Records of the Court of Sessions, Essex County, Massachusetts, 1698-1700, by Eben Putnam.

The principal article in the September-December number of the *German American Annals* is an account, by Preston A. Barba, of the General Swiss Colonization Society, a society organized in Cincinnati in January, 1857, which shortly afterward founded Tell City, Ind. *Deutsche Charakterbilder aus der Brasilianischen Geschichte*, I.: Manoel Beckmann, is by Friedrich Sommer, president of the Banco Allemão Transatlantico of São Paulo, Brazil.

The Government Printing Office has issued a sixth edition of its *Price-List 50*, a list of government publications in American history and biography for sale by the superintendent of documents, a third edition of *Price List 61*, listing government publications for sale relating to the Panama Canal, the Canal Zone, the Suez Canal, the Nicaragua route, and the treaty with Colombia, and a second edition of no. 65, on the foreign relations of the United States.

*Bulletin no. 16* of the School of Education in the University of Illinois is a pamphlet of 59 pages on the Content of American History as taught in the Seventh and Eighth Grades, by W. C. Bagley and H. O. Rugg.

The American Catholic Historical Society has just published an *Index of the American Catholic Historical Researches* (pp. 320), covering with elaborate care all the issues of that periodical from July, 1884, to July, 1912, vols. I. to XXIX., and thus extending to the time when the journal was combined with the *Records* of the American Catholic Historical Society of Philadelphia.

The late Dr. Charles G. Herbermann's work, *The Sulpicians in the United States*, which appeared serially in the *Records and Studies* of the United States Catholic Historical Society, has been issued by the Encyclopedia Press, with a preface by Cardinal Gibbons.

*Republican Principles and Policies: a Brief History of the Republican National Party*, by Newton Wyeth, illustrated by Joseph Pierre Nuytens, comes from the press of the Baker and Taylor Company.

*Sixty Years of American Life: Taylor to Roosevelt, 1850 to 1910*, is the title of a volume of reminiscences by Everett P. Wheeler, which has been brought out by Messrs. Dutton.

Volume XV. of the *National Cyclopaedia of American Biography* has come from the press (James T. White and Company).

Professor Rayner W. Kelsey of Haverford College has in preparation a comprehensive history of the relations between the Society of Friends and the American Indians.

The *American Year Book* for 1916 (Appleton, pp. xviii, 862) has just appeared.

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## ITEMS ARRANGED IN CHRONOLOGICAL ORDER

*El Descubrimiento de América en la Historia de Europa*, by Juan B. Terán (Buenos Aires, Coni, 1916, pp. 196), comprises six studies: I. Feudalismo; II. Italia en la Edad Media; III. Las Transformaciones Burguesa y Princesca en Italia; IV. Las Ciudades Comerciales: la Vía del Oriente; V. La Evolución Política en los Demás Países; and VI. Por qué no fué Italia la Descubridora? La Nación Descubridora.

A bibliography of the Pilgrims of Plymouth is being prepared by Byron B. Horton, of Sheffield, Pa., for publication prior to 1920, the tercentenary of the landing of the Pilgrims.

Under the auspices of the National Society of the Colonial Dames of America, whose Pitt, R. H. Lee, and Shirley volumes, and more recently its volume of *Travels in the American Colonies in the Eighteenth Century* have been noticed in the pages of this journal, Dr. J. Franklin Jameson is preparing a volume of documents illustrating the history of piracy and privateering in the colonial period of American history.

Mr. Francis H. Bigelow, to whose interest in American silver we are indebted for several notable collections, is soon to publish through the Macmillan Company *Historic Silver of the Colonies and its Makers*, a volume which cannot fail to possess much interest for the colonial antiquarian.

Professor John B. McMaster, who for some time has been working among the extensive archives of the house of Stephen Girard, expects before long to finish a history of that celebrated financier, in two volumes.

Volume IV. of Professor Edward Channing's notable *History of the United States* has just appeared. This volume, entitled *Federalists and Republicans*, covers the years from 1789 to 1815.

*Correspondence of George Bancroft and Jared Sparks, 1823-1832*, edited by Professor John S. Bassett, is vol. II., no. 2, of *Smith College Studies in History*. The title-page also carries the legend: "Illustrating the Relation between Editor and Reviewer in the Early Nineteenth Century". During the period when nearly all these letters were written Sparks was editor of the *North American Review*, and Bancroft was conducting the Round Hill School at Northampton. Bancroft deals with a wide variety of subjects in his reviews and essays; now and again he complains against the liberties which Sparks, the editor, takes with his productions. These letters are drawn from the Bancroft Manuscripts in the Massachusetts Historical Society and the Sparks Manuscripts in Harvard University. It is perhaps permissible to remark that the editor of these letters has spoiled the meaning of one of Bancroft's statements by the insertion of a negative (p. 105).

*Early Life and Letters of General (Stonewall) Thomas J. Jackson*, by Thomas Jackson Arnold, has been published by Fleming H. Revell Company.

*The Private and Official Correspondence of General Benjamin F. Butler during the Civil War Period*, in five volumes, is announced for publication in October of this year (Mrs. Jessie Ames Marshall, Room 66, no. 15 State Street, Boston).

*George Armstrong Custer*, by F. S. Dellenbaugh, is a recent addition to Macmillan's series of *True Stories of Great Americans*.

*A History of Methodism*, prepared by H. M. Du Bose, D.D., is supplemental to *A History of Methodism*, by H. N. McTyeire, giving an account of the progress of Methodism during the past thirty years (Nashville, Methodist Episcopal Church South Publishing House).

#### LOCAL ITEMS, ARRANGED IN GEOGRAPHICAL ORDER

##### NEW ENGLAND

In the *Records of the American Catholic Historical Society* for December the study, by Rev. John Lenhart, O. M. Cap., of the Capuchins in Acadia and Northern Maine (1632-1655) is continued.

New Hampshire's editor of state papers, Mr. Henry H. Metcalf, has brought out vols. III., IV., and V. of the *Laws of New Hampshire*, covering the periods 1745-1774, 1776-1784, and 1784-1792 respectively (Bristol and Concord, 1915, 1916, 1916, pp. 659, 934, 875).

*The Loyalist Refugees of New Hampshire* (pp. 23), by Professor Wilbur H. Siebert, is issued as an Ohio State University *Bulletin*, vol. XXI., no. 2.

*Colonial Amherst* [N. H.], by Emma P. B. Locke, includes, besides early history, customs, reminiscences, etc., an account of the life and character of General Jeffrey Amherst.

The January *Bulletin* (no. 22) of the Departments of History and Political and Economic Science in Queen's University, Kingston, Ontario, is *The Royal Disallowance in Massachusetts* (pp. 33), by A. G. Dorland, an examination of the method and policy of imperial control as expressed by the royal disallowance of Massachusetts legislation between 1692 and 1775.

The Colonial Society of Massachusetts has just issued vol. XVIII. of its *Publications*, containing proceedings of meetings of the society. Volumes XV. and XVI., containing the early records of the corporation of Harvard College down to 1750, will be issued before the end of the present year.

The state of Massachusetts and the New England Historic Genealogical Society have published the vital records, to 1850, of the towns of Bridgewater (two vols.) and New Ashford.

The October–November serial of the Massachusetts Historical Society's *Proceedings* includes a paper by Mr. James Schouler on the Whig Party in Massachusetts; one by Mr. Arthur Lord on Some Objections to the Massachusetts Constitution, 1780; and one by Mr. W. R. Thayer on the Marine Hospitals of New England, 1817, consisting chiefly of reports and letters of Dr. Benjamin Waterhouse. Among the documents is an interesting series of letters from John Stuart Mill to Charles Eliot Norton, 1865–1870. The contents of the December–January serial include a paper on Polk and California, by Mr. Justin H. Smith; one on Hector St. John: Loyalist, Patriot, by Mr. F. B. Sanborn; and about thirty letters of John A. Dix, 1818–1848.

The July number of the *Massachusetts Magazine* contains an account of Col. Jonathan Brewer's regiment of Massachusetts soldiers in the Revolution.

The New Haven Colony Historical Society expects to issue within a few months, in a volume edited by Professor Franklin B. Dexter, the earliest book of separate New Haven town records, 1649–1662.

Mr. Francis B. C. Bradley's *Historical Account of Early Railroading in Eastern New England*, appearing in the *Essex Institute Historical Collections*, is continued in the January number.

#### MIDDLE COLONIES AND STATES

The *Reports* of the president and secretary of the Buffalo Historical Society, submitted at the annual meeting, January 9, 1917, have been issued. It is announced that the secretary, Mr. Frank H. Severance, has completed his narrative history of the Lower Lakes and Niagara region under French control, and that the work will shortly be published by Dodd, Mead, and Company, with the title *An Old Frontier of France*, and will also be included in vols. XX. and XXI. of the society's *Publications*.

Father T. W. Mullaney, C. SS. R., has recently published *Four-Score Years: St. Joseph's Church, Rochester, 1836–1916* (Rochester, Monroe Printing Company, pp. 207), a contribution to the history of the German Catholics in Rochester.

During the summer of 1916 the New York Genealogical and Biographical Society completed the transcript of the records of the Reformed Dutch Church at Stone Arabia, in the town of Palatine, Montgomery County, N. Y. These records, the transcript of which occupies three volumes, aggregating 625 pages, begin in 1739 and extend well down to the present time. Volume III. includes a history of the church, by Mr. R. W. Vosburgh. The material in this transcript is of particular value for the history of the Dutch Reformed Church. The same society is reprinting *Early Settlers of West Farms, Westchester County, New York*, which appeared in the *New York Genealogical and Biographical*

*Record* from July, 1913, to April, 1916. These are the records of the late Rev. Theodore A. Leggett, copied by A. Hatfield, jr.

The University of the State of New York has issued as *Bibliography Bulletin*, no. 59, a list of *Official Publications of the State of New York relating to its History as Colony and State* (pp. 62), prepared by Alice Louise Jewett.

The *Proceedings* of the New Jersey Historical Society, vol. I., no. 3 (July, 1916), includes an account of Newark's Two Hundred and Fiftieth Anniversary, by Joseph F. Folsom; a paper, by the same writer, upon Col. Peter Schuyler at Albany; and the Orderly Book of Lieut. John Spear, July 17 to December 4, 1781. Volume IX. of the society's *Collections*, brought out in the autumn, comprises biographical and genealogical notes concerning early men and families of New Jersey, prepared by the late William Nelson, corresponding secretary of the society. They are in the main supplemental to those notes contributed by Mr. Nelson to the volumes of the *New Jersey Archives*.

Mr. Simon Gratz, the Philadelphia collector, has presented to the Historical Society of Pennsylvania more than thirty thousand papers from his collections.

#### SOUTHERN COLONIES AND STATES

Volume 36 of the *Archives of Maryland*, lately distributed, continues the proceedings of the general assembly through the period from July, 1726, to August, 1729, with an appendix containing the text of statutes enacted in the years from 1714 to 1726 and previously unpublished in the *Archives*. The volume is edited by Dr. Bernard C. Steiner. Volume 37, which is now in the press, will contain the proceedings from 1730 on, with an appendix of important unpublished documents, relating to the period covered by the volume, chiefly taken from the Calvert papers in the possession of the society.

The principal contents of the December number of the *Maryland Historical Magazine* are the concluding portion of Uria Brown's journal and further installments of the Carroll papers and the Journal of the Committee of Observation of the Middle District of Frederick County.

Mrs. H. Irvine Keyser of Baltimore, as a memorial to her late husband, long a valued member of the Maryland Historical Society, has provided a permanent home for that society and the Baltimore Athenaeum, by the gift of an eligible lot of land on which she will erect a suitable fireproof building for the libraries and picture galleries of the two organizations.

The January number of the *Virginia Magazine of History and Biography* contains an article, by David I. Bushnell, jr., on Daniel Boone at Limestone, 1786-1787 (chiefly documentary), the conclusion of the extracts from the *Virginia Gazette* (1755), and the continuations of the



letters of William Byrd, First, and other series. Among the "Virginia Gleanings in England" are printed a number of wills of the early seventeenth century.

The pages of the January number of the *William and Mary College Quarterly Historical Magazine* are chiefly occupied with genealogical articles. Among the brief articles of other kinds is one concerning the Williamsburg lodge of Masons in the time of the Revolution.

The North Carolina Historical Commission has issued its *Sixth Biennial Report* (1914-1916). Within the period covered by the report the classification and arrangement of the executive papers (comprising 269 boxes of about 150 pieces each) have been completed and a beginning made upon the legislative papers; several important bodies of personal or miscellaneous collections of papers have also been arranged; 70 volumes of such collections have been bound or made ready for the bindery; and for seventeen collections a card index has been prepared, as also for the letter-books of the governors from 1777 to 1827. Among the many accessions of manuscripts were an addition of more than 300 papers to the Thomas Ruffin Collection; a body of letters and documents, more than 2000 in number, of Willie P. Mangum; letters and documents (562 in number) of David S. Reid, governor of North Carolina, 1851-1854 (these have been arranged and bound in four volumes); two volumes secured from Mr. W. H. Hoyt, comprising notes from North Carolina newspapers in the Library of Congress and Harvard University library, 1790-1830; a body of copies from the papers of Colonel William Polk (1785-1834); the original order-book, September, 1780-March, 1781, of Lord Cornwallis; a copy of the letter-book of Governor Thomas Pollok, 1710-1720; and numerous records and papers relating to the Confederacy. Especially noteworthy is the deposit with the commission during the past year of numerous local and county records, principally of the eighteenth century.

Under the direction of its department of history, the North Carolina Normal and Industrial College at Greensborough is issuing a series of *Historical Publications*, of which no. 2 is *Revolutionary Leaders of North Carolina*, by R. D. W. Connor, secretary of the state historical commission (High Point, 1916, pp. 125).

The *South Carolina Historical and Genealogical Magazine* prints in the October number a first installment of some letters of Governor John Rutledge, May to November, 1780, annotated by Joseph W. Barnwell. The originals of these letters are in possession of the Charleston Library Society. Miss Mabel L. Webber's compilation of death notices from the *South Carolina and American General Gazette* and its continuation, the *Royal Gazette* (1778-1782), and the Order-Book of John Faucheraud Grimké (1780) are continued.

The *Washington University Studies* (St. Louis), vol. IV., part II.,

no. 1, is a study, by Chauncey S. Boucher, of *Sectionalism, Representation, and the Electoral Question in Ante-Bellum South Carolina*. The author states that his purpose is to carry down to 1861 such a study as that of William A. Schaper for the colonial and Revolutionary period in his *Sectionalism and Representation in South Carolina*.

The National Society of Colonial Dames of America has published *The Register Book for the Parish Prince Frederick Winyaw* (South Carolina). The records of the vestry meetings begin in 1713 and extend to 1779, while the register of baptisms, etc., extend with irregularities into the nineties. The material was prepared for the press by Elizabeth W. Allston Pringle, who writes a preface.

The *Colonial Records of the State of Georgia*, vols. XXIII., XXIV., and XXV., containing the correspondence of the trustees, General Oglethorpe, and others, have appeared.

The hundredth anniversary of the incorporation of the city of Baton Rouge, La., was celebrated January 16, under the auspices of the Historical Society of East and West Baton Rouge, with the participation of the Louisiana Historical Society as guest. The celebration included addresses, historical tableaux, and other ceremonies, including the dedication of a monument marking the site of the old Spanish fort captured by the West Florida revolutionists September 23, 1810. The historical addresses were: the City of Baton Rouge, 1817-1917, by Mayor Alexander Grouchy, and Baton Rouge in History and Literature, by Dr. Pierce Butler. There was also an address on Baton Rouge and the Louisiana State University, by President Thomas D. Boyd.

The *Register* of the Kentucky State Historical Society for January contains an article by A. C. Quisenberry on Kentucky's "Neutrality" in 1861.

In the December number of the *Tennessee Historical Magazine* Mr. J. P. Young investigates the question of Fort Prudhomme: Was it the First Settlement in Tennessee? The writer reaches the conclusion that Fort Prudhomme was not at the Fourth Chickasaw Bluff, the site of Memphis, but above, and that there was no settlement at the fort. Dr. Stephen B. Weeks contributes a discussion of the sources of Tennessee's population and the lines of immigration, and Mr. A. V. Goodpasture writes concerning John Bell's Political Revolt and his Vauxhall Garden Speech. The documents in this number are letters of Gen. John Coffee to his wife, 1813-1815. These letters relate chiefly to the Natchez expedition, the Creek War, and the New Orleans campaign. They are edited, with an introduction, by John H. DeWitt.

#### WESTERN STATES

The December number of the *Mississippi Valley Historical Review* contains an excellent article by E. M. Coulter on the Effects of Seces-

sion upon the Commerce of the Mississippi Valley, one by Professor Theodore H. Jack on Alabama and the Federal Government: the Creek Indian Controversy, one by Miss Mabel G. Walker on Sir John Johnson, and a general survey of historical activities in the Trans-Mississippi Northwest, by Dan E. Clark. Mr. Doane Robinson of South Dakota and Mr. Charles E. DeLand criticize at length the views on the routes of the Verendryes expressed by Professor Libby in the September number, and Professor Libby replies.

The principal article in the January number of the *Ohio Archaeological and Historical Quarterly* is an account of the life of Joseph Badger, the First Missionary to the Western Reserve, by Byron R. Long. There is also a paper with the caption "Memoir of Anton Laforge", pertaining to the settlement of Gallipolis (1790). An item in the society's proceedings is an account of the unveiling of a tablet in memory of Capt. Michael Cressap, including several addresses.

The state of Ohio has recently published, under the title *The Ohio-Michigan Boundary*, vol. I. of the final report of the commission appointed in 1915 to survey and monument the boundary line between Ohio and Michigan. This volume contains, in addition to reports of the commissioners and the engineer of the commission, several boundary maps, an article on the Basis of the Ohio-Michigan Boundary Dispute by Professor Arthur M. Schlesinger, and a reprint of a portion of a monograph treating of Michigan boundaries by Anna May Soule.

Articles in the December number of the *Indiana Magazine of History* are Monroe County in the Mexican War, by H. C. Duncan; Catholic Education in Indiana, Past and Present, by Mrs. Elizabeth Denehie; Social Effects of the Monon Railway in Indiana, by John Poucher; and the concluding portion of Harold Littell's study of the Development of the City School System of Indiana.

The *Bulletin* of the Indiana State Library, vol. XI., no. 3 (September, 1916), is *Sources of Population in Indiana, 1816-1850*, by Joseph E. Layton. An essential feature of the study is a statistical table showing the sources of population by counties. *Bulletin* no. 4 (December) is *A List of Indiana Newspapers available in the Indiana State Library, the Indianapolis Public Library, the Library of Indiana University, and the Library of Congress*.

The following are recent *Bulletins* of the Indiana Historical Commission: *Outline of Church History of Indiana* (no. 5); *Organization of County and Local Historical Societies* (no. 6); *Report of the commission* (no. 7); and *Celebration of the One Hundredth Anniversary of Indiana's Admission into the Union, December 11, 1916* (no. 8).

*The Life and Military Services of Brevet Major-General Robert S. Foster*, by C. W. Smith, is among the *Publications* of the Indiana Historical Society.

In the April number of the *Journal of the Illinois State Historical Society* appear the address of Gov. Edward F. Dunne on Abraham Lincoln, delivered before the Annunciation Club of Buffalo in February, 1916, and the address of James H. Matheny, entitled "A Modern Knight Errant: Edward Dickinson Baker", delivered before the Association of Collegiate Alumnae of Springfield, Illinois, in January, 1916. There is also an account, by William R. Strong, of a journey from Urbana, Ill., to Texas in 1846, written down by Lillian Gunter from oral narration. In the editorial pages is found a forecast of the plans for the Illinois centennial celebration, and there are sketches of deceased members of the society, notably one of Dr. William Jayne, governor of Dakota Territory, 1861-1862.

The Michigan Historical Commission has issued as *Bulletin no. 8, Prize Essays written by Pupils of Michigan Schools in the Local History Contest for 1915-1916* (pp. 35). The pamphlet comprises four essays relating chiefly to the settlement of localities in Michigan.

Mr. C. M. Burton has issued two numbers, aggregating 79 pages, of the *Manuscripts from the Burton Historical Collection* (see the January number of the *Review*, p. 481). The paging of these two numbers is consecutive; indeed the closing portion of the last document in no. 1 is found in no. 2. The documents range in date from 1755 to 1805 and are quite varied in character, particularly those of the earlier dates. There are, for instance, a letter of Sir William Johnson to Edward Collins (1755), a letter from Sir Guy Carleton to Sir William (1768), one from Gen. Nathanael Greene to John Trumbull (1782), and Trumbull's reply (which is given place some pages in advance of Greene's letter), letters pertaining to frontier conditions, correspondence of John Askin, an Indian trader, correspondence of Solomon Sibley, a Michigan pioneer of influence, etc. The later selections include several letters from William Henry Harrison, three of them, namely, March 3, April 26, and May 27, 1805, being to the Secretary of War and drawn from the files of the War Department, as are several other documents of the same period. It is to be observed that on page 46 an editorial note explains that the preceding documents are all printed from originals in the Burton Collection; thereafter, in connection with each document, the source and character of the document are given.

The State Historical Society of Wisconsin has about ready for distribution vol. XXIV. of its *Collections*. This is the fifth volume in the "Draper Series", and bears the title *Frontier Retreat on the Upper Ohio*, the preceding volume having the title *Frontier Advance on the Upper Ohio*. The society has in press the volume of *Proceedings* for the year 1916, the annual *Check-List of Periodicals and Newspapers* currently received at the library, and a volume on the *Economic History of Wisconsin during the Civil War Decade*, by Frederick Merk. It will

also issue shortly a bulletin descriptive of the collections in the public documents division of the library, prepared by Mrs. Anna W. Evans, and has in preparation a check-list of newspaper accessions since the year 1911, the year with which the society's *Catalogue of Newspaper Files* closes. The society has received from Senator LaFollette all of his personal papers down to the time when he came to Washington as senator from Wisconsin. These papers are not for the present to be accessible to the public.

The articles in the January number of the *Iowa Journal of History and Politics* are: a study of Special Legislation in Iowa, by Ivan L. Pollock, an account of Recent Liquor Legislation in Iowa, by Dan E. Clark, and a History of the Congregational Church of Iowa City, by Joseph S. Heffner.

The Missouri Historical Society has brought out a reprint of Gen. Thomas James's *Three Years among the Indians and Mexicans*, published in Waterloo, Ill., in 1846, and now extremely rare. The present volume is edited, with notes and biographical sketches, by Walter B. Douglas. Besides the foot-notes, many of which are biographical, there is an appendix (pp. 248-296) containing more extended sketches, together with a number of documents which have relation to the narrative. There are also eleven portraits in the volume.

The Missouri Centennial Committee of one thousand held a convention in Kansas City, Mo., November 24 and 25. A permanent organization was effected, William R. Painter of Carrollton being elected chairman and Floyd C. Shoemaker secretary, and an executive committee of twenty-five being constituted to take active charge of the centennial celebration. It is planned to have a local celebration in each county of the state and five larger celebrations, namely, in Kansas City, Jefferson City, Columbia, Sedalia, and St. Louis. The legislature has been asked for an appropriation of \$10,000 to the State Historical Society for the purposes of the celebration.

Mr. Duane Mowry contributes to the October number of the *Missouri Historical Review* a number of letters from the correspondence of James R. Doolittle, senator from Wisconsin, 1857-1869. They include five letters from Carl Schurz, 1859-1860, a letter of Doolittle to Senator George G. Vest of Missouri on the silver question, August 15, 1893, and Vest's reply two days later.

The State Historical Society of Missouri has acquired a file of the *St. Louis Republic*, 1874-1890 (64 volumes), a complete file of the *Bates County Record* from 1865 to date, and twenty-five volumes of Macon newspapers, dating from about 1860.

The January number of the *Southwestern Historical Quarterly* contains the first chapters of a study, by Herbert R. Edwards, of the Diplomatic Relations between France and the Republic of Texas, 1836-

1845. Other articles are: Commercial Aspects of the Texan Santa Fé Expedition (1841), by Thomas M. Marshall, and two articles, by S. H. German and Louella S. Vincent, respectively, on George T. Wood, governor of Texas, 1847-1849.

The Department of History of the state of South Dakota is preparing a bibliography of the state, for publication in 1920.

At the annual meeting of the Nebraska State Historical Society, early in January, Mr. Addison E. Sheldon, hitherto director of the Legislative Reference Bureau, was chosen as secretary of the society in the place of the late Clarence S. Paine. Mr. Samuel C. Bassett was chosen president of the society.

Benjamin M. Read, of Santa Fé, N. M., has produced a *Chronological Digest of the "Documentos Inéditos del Archivo de las Indias"* (pp. 161). The author states that he has followed in his digest the order of the volumes themselves, "thus making it easier for the student to refer to any particular document". On the contrary, such an arrangement is highly inconvenient; a strictly chronological arrangement was the only one to be thought of, unless a subject index were resolved on.

The *Idaho Bulletin of Education*, vol. II., no. 4, is an *Outline for the Study of the History of Idaho*, by H. L. Talkington.

The principal articles in the January number of the *Washington Historical Quarterly* are the Reminiscences of a Pioneer Woman, by Elizabeth Ann Coonc, and the First Immigrants to cross the Cascades, by David Longmire. This installment, it appears, begins with August 21, 1852, and ends with January 12, 1853. The diarist does not set down the year, and the editor, unfortunately, fails to indicate it until near the close of the installment.

Volume I., no. 1 (January), of the *Bulletin* of the Spokane Historical Society is a monograph, by William S. Lewis, corresponding secretary of the society, entitled *The Case of Spokane Garry* (pp. 68), being a brief statement of the principal facts connected with the career of the Indian chief and a review of the charges made against him.

*Mount Rainier: a Record of Explorations*, by Professor Edmond S. Meany, which has recently come from the press (Seattle, the Bon Marché), contains some ten chapters (there are nineteen in all) relating to explorations of the mountain, and a number of scientific papers. The historical chapters comprise principally original materials, such as Capt. George Vancouver's journal of the discovery (1792), Dr. William F. Tolmie's diary of the first approach (1833), Lieut. Robert E. Johnson's account of the first recorded trip through Naches Pass (1841), Gen. Hazard Stevens's account of the first successful ascent (1857), etc.

The September number of the *Quarterly of the Oregon Historical Society* contains an article, by Dorothy Hull, on the Movement in

Oregon for the Establishment of a Pacific Coast Republic, 1855-1861; one by Leslie M. Scott on Oregon's Nomination of Lincoln; a letter (21 pages in extent) of Dr. John McLoughlin to Sir George Simpson, March 20, 1844, contributed, with an introductory note, by Katharine B. Judson; and continuations of the Diary of Rev. Jason Lee and the Correspondence of Rev. Ezra Fisher.

*José de Gálvez: Visitor-General of New Spain (1765-1771)*, by Herbert I. Priestly, appears as vol. V. of the *University of California Publications in History*.

## CANADA

The *Mémoires de la Société Royale du Canada*, série III., vol. X., sect. I. (June, 1916), contains the following papers: *Le Saint-Jean-Baptiste, 1636-1836*, by Benjamin Sulte; *Un Chapitre d'Histoire Contemporaine: le Cardinal Satolli*, by Mgr. Louis-Ad. Paquet; and *Un Essai d'Arbitrage International*, by P.-B. Mignault. The *Transactions of the Royal Society of Canada* (the English section of the same issue) contains the presidential address of Dr. Adam Shortt on the Economic Effect of War upon Canada, read at the meeting of the society in May, 1916; the Refugee Loyalists of Connecticut, by Professor W. H. Siebert of the Ohio State University; and an Historical War Crop: the Canadian Wheat Crop of 1915, by C. C. James.

## AMERICA, SOUTH OF THE UNITED STATES

David Hannay has written a life of *Diaz* (New York, Holt, 1917, pp. vi, 319) for the *Makers of the Nineteenth Century* series.

*Bandelier's Contribution to the Study of Ancient Mexican Social Organization*, by T. T. Waterman, is issued as a separate from the *University of California Publications in American Archaeology and Ethnology*.

Somewhat more than a year ago a committee was formed, with President Charles W. Dabney of the University of Cincinnati as chairman, for the purpose of studying the educational conditions and needs of Mexico. The committee has now brought out (Cincinnati, the Committee) a pamphlet entitled *A Study of Educational Conditions in Mexico: and an Appeal for an Independent College* (pp. 93). This study was prepared by Dr. George B. Winton, now of Vanderbilt University, but for thirty years a teacher in Mexico, with the assistance of Professor Andrés Osuna, formerly superintendent of schools of Coahuila, at present general director of primary, normal, and preparatory education in the Federal District of Mexico. The study is in large measure historical. Dr. Dabney contributes a preface and a conclusion.

In the July number of the Cuban journal *La Reforma Social*, Miss Irene A. Wright has an article entitled "Los Orígenes de la Minería



en Cuba hasta 1600"; in that of September, one on "El Curso de los Acontecimientos en Cuba durante el Gobierno de Gabriel de Luxán, 1579-1589"; in those of October and November, two articles on "El Gobierno de Gabriel de Luján en Cuba, 1579-1589". Señor V. Salado Alvarez has an article in the August number of the same journal on "La Independencia de Tejas y la Esclavitud". In that of September there is one by Señor Jacinto López on "La Santa Alianza y la América, 1815-1818" and one by Professor Fernando Órtiz on "Las Insurrecciones Afro-Cubanas".

The September-October and the November-December numbers of the *Boletín del Archivo Nacional* (Havana) contain some bibliographical notes, by Joaquín Llaverías, concerning Cuban periodicals (1811-1814) found in the Archivo Nacional, and present facsimiles of the front pages of a number of these periodicals. Of especial interest is the paper *El Patriota Americano*, "Obra periódica por tres amigos, amantes del hombre, la patria y la verdad", published in Havana in 1811 and 1812. The documentary series concerning the "Gran Legión del Aguila Negro" (1830), and the "Correspondencia de los Intendentes Generales de Hacienda de la Isla de Cuba con el Gobierno de España" (1755) are continued through the two numbers. In the September-October number are also a group of documents relative to Puerto Príncipe (1851), a "Relación Nominal y Conceptuada", dated May 29, 1869, of the persons in Colón in the province of Matanzas who had taken part in the insurrection in the island, and a similar Relación for the city of Puerto Príncipe, dated June 17, 1869. In the November-December number is an extensive Relación, dated April 14, 1821, setting forth the condition of the plazas and fortified ports in the provinces of Havana, Cuba, and the Floridas.

The Macmillan Company announces for early publication *The Danish West Indies*, by Professor Waldemar Westergaard of Pomona College. The work is the result of the author's researches in the Danish archives and must be a welcome addition to the commercial history of the seventeenth and eighteenth centuries, as well as to that of colonial administrative history.

*Historia del Descubrimiento de Tucumán, seguida de Investigaciones Históricas*, by Ricardo Jaimes Freyre, appears as a publication of the University of Tucumán (Buenos Aires, Coni, 1916, pp. 312). The historical investigations, which occupy somewhat less than half the volume, are for the most part studies of particular phases of the general topic.

M. S. Sanchez has prepared a *Bibliografía Venezolanista: Contribución al Conocimiento de los Libros Extranjeros relativos a Venezuela y sus Grandes Hombres publicados o reimpresos desde el Siglo XIX*. (Caracas, 1914; Paris, Chadenat, pp. xii, 496); and also *Apuntes para la Iconografía del Libertador* (Caracas, 1916; Paris, Chadenat, pp. 39, 39 plates, including 29 portraits of Bolívar).

A volume on *D. Pedro I. e a Marquesa de Santos a Vista de Cartas Intimas e de Outros Documentos Publicos e Particulares* (Tours, Arrault, Rio de Janeiro, Alves, 1916, pp. xii, 455) is by A. Rangel.

Noteworthy articles in periodicals: E. L. Hewett, *The School of American Archaeology* (Art and Archaeology, December); A. J. Morrison, *Arthur Dobbs of Castle Dobbs and Carolina* (South Atlantic Quarterly, January); A. P. Scott, *The "Parson's Cause"* (Political Science Quarterly, December); Rear-Admiral C. F. Goodrich, U. S. N., *Our Navy and the West Indian Pirates* (United States Naval Institute Proceedings, January, February); H. B. Learned, *The Vice President's Oath of Office* (The Nation, March 1); G. Labouchère, *L'Annexion de la Louisiane aux États-Unis et les Maisons Hope et Baring* (Revue d'Histoire Diplomatique, XXX. 3); C. W. Fisher, *The Log of the "Constitution", February 21-24, 1815* (United States Naval Institute Proceedings, February); R. Hayden, *The Origin of the United States Senate Committee on Foreign Relations* (American Journal of International Law, January); R. W. Neeser, *The Department of the Navy* (American Political Science Review, February); H. H. Maurer, *The Earlier German Nationalization in America* (American Journal of Sociology, January); C. O. Fisher, *The Relief of Soldiers' Families in North Carolina during the Civil War* (South Atlantic Quarterly, January); D. B. Lucas, *Stonewall Jackson: the Christian Warrior* (*ibid.*); J. S. Carr, *The Hampton Roads Conference* (Confederate Veteran, February); J. M. Morgan, *Recollections of a Rebel Reefer*, I. (Atlantic Monthly, January); *id.*, *The Cruise of the 'Dampirates': Further Recollections of a Rebel Reefer* (*ibid.*, February); D. P. Myers, *The Control of Foreign Relations* (American Political Science Review, February); B. B. Kendrick, *McKinley and Foraker* (Political Science Quarterly, December); Munroe Smith, *American Diplomacy in the European War* (*ibid.*); V. Morin, *Précurseurs d'Histoire* [concl.] (Revue Canadienne, February); Judge Prud'homme, *Pierre Gaultier de Varennes, Sieur de la Vérendrye* (Bulletin of the Historical Society of St. Boniface, V. 2); G. Desdèvises du Dezert, *L'Église Espagnole des Indes à la Fin du XVIII<sup>e</sup> Siècle* (Revue Hispanique, February); P. de Coubertin, *A Travers l'Histoire Sud-Américaine* (Revue Hebdomadaire, November 25).



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